

**PROPOSED REGULATIONS  
CONFORMING MANIFESTING CHANGES  
Section 100 Rulemaking**

**Notes to Reviewers:** These draft regulations integrate federal regulations with existing California statutes and regulations, which may be more stringent and/or specific. These regulations will be adopted under Section 100 of the Administrative Procedure Act governing non-substantive and non-discretionary regulatory changes. Summary charts on [www.dtsc.ca.gov/LawsRegsPolicies/Regs/Manifest\\_Changes\\_regs.cfm](http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/Manifest_Changes_regs.cfm) highlight federal changes and differences in state provisions.

**Comments will only be accepted through March 31, 2006.**

**The major issues DTSC is inviting comment on are:**

1. Are there any “fatal flaws” in conforming state manifest and related regulations to the federal changes, keeping existing state statutes and regulations in mind?
2. Are there other changes to the regulations as written? Explain your proposed change, the benefits, and how it would be considered non-substantive or non-discretionary.
3. What kind of outreach to the regulated community is needed to implement this “turn on a dime” change on September 5, 2006?
4. What else could DTSC do to make the impact of these regulations less on the regulated community?

**To assist in your review:**

- Changes that mirror federal changes are underscored and in plain font.
- Changes proposed that are beyond the federal changes are **underscored and in bold font**. These changes are to ensure consistency with statutes and existing regulations or for clarity. Some of these transportation related changes are to sections not modified by the federal regulations, such as establishing consistent mailing addresses for manifest reports and international shipments.
- Changes to Manifest Instructions and marking label are shown in **Yellow Highlight** to help reviewers identify critical new changes or requirements. U.S. EPA has preempted states from making any changes in the text of the manifest, continuation sheet, and Instructions to those forms.
- Periodically, you will find comments explaining state deviations from or additions to the federal regulations. These changes are in ***Italics and in bold font***. These notes for reviewers will be removed before the regulations are submitted to the Office of Administrative Law for adoption.

**TEXT OF PROPOSED REGULATIONS  
CONFORMING MANIFESTING CHANGES  
Department Reference Number: R-2005-01  
(Based on March 4, 2005 Federal Rulemaking and  
Modified for June 16, 2005 Federal Rulemaking)**

1. Amend section 66260.10 of the California Code of Regulations, title 22, division 4.5, chapter 10, article 2, to read as follows:

**§ 66260.10 Definitions.**

...

“Bulk container” means any container or container-like vehicle, other than a vessel or a barge, with a capacity greater than 119 440 gallons (~~416 L~~ **450 liters** ), which is used to transport hazardous waste(s), hazardous material(s), hazardous substance(s), or recyclable material(s) in bulk by air, highway, rail, or water, including, but not limited to, cargo tanks, vacuum trucks, roll-off bins, rail tank cars, and intermodal containers.

...

**“Consignment state” or “Destination state” means the state to which the shipment is manifested.**

...

“Designated facility” means (1) a hazardous waste transfer, treatment, storage, or disposal facility which has received a permit (or a facility with interim status) in accordance with the requirements of chapters 20 and 21 of this division, or (2) has received a permit from a State authorized in accordance with part 271 of title 40 Code of Federal Regulations CFR, or (3) that is regulated under chapter 16 of this division, or (4) has received a permit, a grant of interim status, or a variance to operate without a permit or grant of interim status from the Department, or (5) is otherwise authorized by law to receive specific hazardous wastes, and (6) that has been designated on the manifest by the generator pursuant to section 66262.20. Designated facility also means a generator site designated on the manifest to receive its waste as a return shipment from a facility that has rejected the waste in accordance with sections **66264.72(f) or 66265.72(f)**. If a waste is destined to a facility in an authorized State which has not yet obtained authorization to regulate that particular waste as hazardous, then the designated facility shall be a facility allowed by the Receiving state to accept such waste.

...

**“Destination state” See “Consignment state”.**

...

**“Generator state” means the state where the waste is generated and from which the shipment originates.**

...

“Manifest” means the shipping document , DHS 8022A, or the equivalent document required by the state to which the waste will be shipped, which is originated and signed by the generator in accordance with the instructions included in the appendix to chapter 12 of this division. **This definition is repealed as of September 5, 2006.)**

**“Manifest” and “California Uniform Hazardous Waste Manifest” mean the shipping document the Uniform Hazardous Waste Manifest, EPA Form 8700-22, (including, if necessary, the Continuation Sheet, EPA Form 8700- 22A), originated and signed by the generator or offeror in accordance with the instructions in the appendix to chapter 12 of this division and the applicable requirements of Chapters 12 through 15 and in the appendix to 40 Code of Federal Regulations part 262 and the applicable requirements of 40 CFR parts 262 through 265. This definition takes effect on September 5, 2006.**

“Manifest document number” means the unique number assigned to the manifest by the Department for recording and reporting purposes. **This definition is repealed as of September 5, 2006.)**

**“Manifest tracking number” means the alphanumeric identification number (i.e., a unique three letter suffix preceded by nine numerical digits), which is pre-printed in Item 4 of the Manifest by a registered source approved by U.S. EPA to print manifests under 40 Code of Federal Regulations parts 262. 21(c) and (e). This definition takes effect on September 5, 2006.**

...

Authority cited: Sections 25141, 25150, 25158.1, 25158.4, 25159, 25159.5, 25187.7, 25200.10, 25204, 25214.9, 25218.3(d), 25316 and 58012, Health and Safety Code and Sections 42475.1 and 42475.2, Public Resources Code.

Reference: Sections 25110.02, 25110.1, 25110.5, 25111, 25112, 25112.5, 25113, 25114, 25115, 25117, 25117.1, 25117.3, 25117.8, 25117.9, 25117.11, 25118, 25119, 25120, 25121, 25121.5, 25122.7, 25123, 25123.3, 25123.5, 25123.6, 25141, 25150, 25158.2, 25159, 25159.5, 25187.7, 25200.10, 25201.6, 25204, 25214.9, 25218.1(f), 25218.3, 25229, 25316, 25361, 25501, 25529 and 58012, Health and Safety Code; Section 42463(f)(1), Public Resources Code and 40 CFR ~~Code of Federal Regulations~~ Sections 260.10, 261.1, 262.21, 264.551, 264.1031, 268.2, 270.2 and 273.6.

***Consignment, destination, and generator state were not defined in the federal regulations. They are defined here for clarity based on their use in the federal language.***

***Although U.S. EPA amended 40 CFR section 261.7, no changes were made to the equivalent state section, 66261.7 dealing with contaminated containers. The***

***federal amendment made in 40 CFR 261.7 (b)(1) (iii)(A), revised the amount to quality as a bulk container from 110 to 119 gallons. CA language is more stringent for container management but does not include a reference to 110 gallons in this section, although it does refer to bulk containers. By changing the definition of bulk container in 66260.10 from 110 gallons to 119 gallons, the result is a change consistent with the 40 CFR 261.7 amendment.***

***The definition of “bulk containers” was not changed by the federal regulations but the federal regulations changed container volume in other sections, including 261.7. The change to the bulk container definition is therefore a conforming change.***

For Change in Bulk Amount: Federal Register: “DOT standards were revised in 1991 to harmonize them with international requirements, which distinguished bulk from non-bulk packagings at a threshold of 450 L or 119 gallons (*see* 55 FR 52471, December 21, 1990). To maintain conformity with DOT requirements, we proposed to revise the regulations so that they distinguish bulk from nonbulk containers at the 119 gallon threshold.” **10790 Federal Register** / Vol. 70, No. 42

2. Amend section 66262.20 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 2, to read as follows:

**§66262.20. General Requirements.**

(a) **For shipments initiated before September 5, 2006, a** A generator, except those generators identified in subsection (a)(1), who transports, or offers for transportation, hazardous waste for off-site transfer, treatment, storage, or disposal shall prepare a Manifest, DTSC Form 8022A (1/99 4/97), and if necessary, the EPA continuation Form 8700-22A, according to the instructions included in the Appendix to chapter 12 of this division before the waste is transported off-site. **Before September 5, 2006, all** All manifest requests should be submitted to the following agency:

**Legislative Bill Room**  
**State Capitol Room B-32**  
**Sacramento, CA 95814**  
**Department of General Services**  
**Documents and Publications**  
**P.O. Box 1015**  
**North Highlands, CA 95660**

For further information with regard to manifest ordering and associated **charges fees**, **contact the Department of General Services' Customer Service Office at (916) 928-4630. or by calling (916) 445-5357.**

**For shipments initiated on and after September 5, 2006, a generator, except those generators identified in subsection (a)(1), who transports, or offers for transport a hazardous waste for off-site transfer, treatment, storage, or disposal, or a treatment, storage, and disposal facility who offers for transport a rejected hazardous waste load, shall prepare a Uniform Hazardous Waste Manifest (OMB Control number 2050-0039) on EPA Form 8700-22, and, if necessary, a Continuation Sheet on EPA Form 8700-22A, according to the instructions included in the Appendix to chapter 12 of this division before the waste is transported off-site.**

**Compliance with the revisions to the Manifest form and procedures announced in the regulations published by EPA on March 4, 2005 as modified by regulations adopted on June 16, 2005 and these regulations adopted by the Department on (insert adoption date of this regulation), shall not be required until on and after September 5, 2006.**

....

Authority cited: Sections ~~208~~, 25150, 25150.6, 25159 and 25161, Health and Safety Code.

Reference: Sections 25150.6, 25159, 25159.5, 25160 and 25200, Health and Safety Code; 40 CFR Code of Federal Regulations Sections 262.20 and 262.60.

3. Amend section 66262.21 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 2, to read as follows:

**§66262.21. Acquisition and Submission of Manifests.**

(a) If the state to which the shipment is manifested (consignment state) supplies the manifest and requires its use, then the generator shall use that manifest. **This subsection is repealed on September 5, 2006.**

(b) If the consignment state does not supply the manifest, the generator shall use the California Uniform Hazardous Waste manifest, EPA 8700-22/DTSC 8022A (~~4/97~~ **1/99**). **This subsection is repealed on September 5, 2006.**

**(c) For shipments initiated on and after September 5, 2006, a generator shall use the Uniform Hazardous Waste Manifest, EPA Form 8700-22, and, if necessary, a Continuation Sheet, EPA Form 8700-22A, printed by a registrant in accordance with 40 Code of Federal Regulations part 262.21. No previous manifest form versions may be used for shipments initiated on and after September 5, 2006. A registrant may not print, or have printed, the manifest for use or distribution unless it has received approval from the U.S. EPA Director of the Office of Solid Waste pursuant to 40 Code of Federal Regulations parts 262.21 (c) and (e).**

**(d) Each copy of the manifest and continuation sheet shall indicate how the copy shall be distributed, as follows:**

**Page 1 (top copy): "Designated facility to destination State (if required)".**

**Page 2: "Designated facility to generator State (if required)".**

**Page 3: "Designated facility to generator".**

**Page 4: "Designated facility's copy".**

**Page 5: "Transporter's copy".**

**Page 6 (bottom copy): "Generator's initial copy".**

**(e) (1) A generator may use manifests printed by any source so long as the source of the printed form has received approval from U.S. EPA to print the manifest under 40 Code of Federal Regulations part 262.21 (c) and (e). A registered source may be a:**

**(A) State agency;**

**(B) Commercial printer;**

**(C) Hazardous waste generator, transporter or TSDF; or**

**(D) Hazardous waste broker or other preparer who prepares or arranges shipments of hazardous waste for transportation.**

**(2) A generator shall determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under these states' authorized programs.**

**(3) Generators also shall determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator shall supply copies to either the generator's state or the**

consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.

**(f) Manifests shall be submitted to the Department by any generator when the waste is generated in California or is transported to a designated facility located in California. The generator manifest copy shall be submitted to the Department for every shipment on a manifest when California is either the generator state or the destination or consignment state. The generator manifest copy shall be mailed to:**

**DTSC Generator Manifests**  
**P.O. Box 400**  
**Sacramento, CA 95812-0400**

**(g) If the generator copy of the manifest will not reproduce a legible copy, the generator may submit a letter documenting the illegible information and signed by the person signing the manifest and submit it with a copy of the illegible manifest. The generator shall reference the manifest tracking number, shipment date, and for each illegible item, provide the item number and information.**

***Note: The language in (e) is from the federal regulations but the citation is different. CA subsection (d) parallels U.S. EPA (f). CA subsection (e) parallels U.S. EPA (g). Address added to (f) is relocated from the California manifest form to the regulation text. Not a new requirement or address.***

Authority cited: Sections ~~208~~, 25150, 25159 and 25161, Health and Safety Code.

Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code; 40 ~~CFR~~ Code of Federal Regulations Section 262.21.

4. Repeal section 66262.22 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 2:

**~~§66262.22. Number of Copies.~~**

**~~The manifest consists of at least six copies which will provide the generator with one copy two copies, the transporter with one copy, the owner or operator of the designated facility with one copy and the Department with two copies.~~**

~~Authority cited: Sections 208, 25150, 25159 and 25161, Health and Safety Code.~~

~~Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code; 40 CFR Section 262.22.~~

***Note: This language is now covered in 66262.21.***



5. Amend section 66262.23 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 2, to read as follows:

**§66262.23. Use of the Manifest.**

(a) The generator of any hazardous or extremely hazardous waste to be transported off-site or into California shall:

(1) complete the generator and waste section and sign the manifest certification according to the instructions in the Appendix to this chapter; and

(2) obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and

(3) retain one copy ~~two copies~~, in accordance with section 66262.40(a); and

(4) within 30 days of each shipment of hazardous waste submit to the Department a legible photo~~copy~~ of each manifest used.

**(5) for hazardous waste that is not regulated as a hazardous waste by the U.S. EPA (non-RCRA waste), describe these wastes in Item 9b of the manifest or Item 27b of the continuation sheet as follows:**

**(A) describe non-RCRA hazardous wastes which do not have a U.S. DOT description indicating a generic name of the waste and the phrase "Non-RCRA Hazardous Waste, Solid" or "Non-RCRA Hazardous Waste, Liquid" for solid or liquid wastes, respectively. When possible, the generic name shall be obtained from chapter 11, Appendix X, subdivision (b) of this division. If not listed in chapter 11, Appendix X, subdivision (b) of this division, the commonly recognized industrial name of the waste shall be used.**

**(B) describe non-RCRA hazardous wastes which have a U.S. DOT description by the U.S. DOT description.**

(b) The generator shall give the transporter the remaining copies of the manifest.

(c) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator shall send three copies of the manifest dated and signed in accordance with this section to the owner or operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.

(d) For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator shall send at least three copies of the manifest dated and signed in accordance with this section to:

(1) the next non-rail transporter, if any; or

(2) the designated facility if transported solely by rail; or

(3) the last rail transporter to handle the waste in the United States if exported by rail.

(e) For shipments of hazardous waste to a designated facility in an authorized State which has not yet obtained authorization to regulate that particular waste as hazardous, the generator ~~must~~ **shall** assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility.

***Notes: (a) clarifies existing requirement for users of CA manifests to submit copies, now photocopies, because the federal form dropped the generator to state copy. This requirement continues to apply whether the generator is located in or out of California. This language clarifies the existing requirement.***

***(a)(5) provides direction on how to describe wastes on manifests that are not regulated by U.S. EPA or DOT. This language is currently found in the manifest instructions in Chapter 12 Appendix. It is not a new requirement or direction.***

***The out of date reference in the existing instructions to Appendix X (e) has been corrected to (b).***

Authority cited: Sections 25150, 25159 and 25161, Health and Safety Code; ~~Section 58012 of the Governor's Reorganization Plan No. 1 of 1991.~~

Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code; 40 ~~CFR~~ Code of Federal Regulations Section 262.23.

6. Add section 66262.27 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 2, to read as follows:

**§66262.27 Waste Minimization Certification.**

A generator who initiates a shipment of hazardous waste shall certify to one of the following statements in Item 15 of the uniform hazardous waste manifest:

(a) "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment;" or

(b) "I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford."

**(c) This section is effective on and after September 5, 2006.**

Authority: Sections 25150, 25159 and 25161, Health and Safety Code

Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code; 40 Code of Federal Regulation Section 262.27.

7. Amend section 66262.32 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 3, to read as follows:

**§66262.32. Marking.**

(a) Before transporting or offering hazardous waste for transportation off-site, a generator shall mark each package of hazardous waste in accordance with the applicable Department of Transportation regulations on hazardous materials under Title 49 ~~CFR~~ Code of Federal Regulations Part 172;

(b) (A) Before September 5, 2006, and bBefore transporting hazardous waste or offering hazardous waste for transportation off-site, a generator shall mark each container of 110 gallons or less used in such transportation with the following words and information displayed in accordance with the requirements of Title 49 ~~CFR~~ Code of Federal Regulations 172.304:

HAZARDOUS WASTE-State and Federal Law Prohibit Improper Disposal. If found, contact the nearest police or public safety authority, the U.S. Environmental Protection Agency or the California Department of Toxic Substances Control.

Generator's Name and Address\_\_\_\_\_.

Manifest Document Number\_\_\_\_\_.

(B) On and after September 5, 2006, before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator shall mark each container of 119 gallons or less used in such transportation with the following words and information displayed in accordance with the requirements of 49 Code of Federal Regulations **part** 172.304:

HAZARDOUS WASTE-State and Federal Law Prohibit Improper Disposal. If found, contact the nearest police or public safety authority, the U.S. Environmental Protection Agency **or the California Department of Toxic Substances Control.**

Generator's Name and Address\_\_\_\_\_.

Generator's EPA Identification Number\_\_\_\_\_.

Manifest Tracking Number\_\_\_\_\_.

Authority cited: Sections ~~208~~, 25150, 25159, 25161 and 58012, Health and Safety Code.

Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code; 40 ~~CFR~~ Code of Federal Regulations section ~~Section~~ 262.32; 49 Code of Federal Regulations section 172.304, and 49 Code of Federal Regulations Part 172.

***Note: Change from 110 gallons to 119 gallons for marking containers used in transportation, addition of Generator's EPA ID number, and terminology change from "Manifest Document Number" to "Manifest Tracking Number."***

8. Amend section 66262.33 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 3, to read as follows:

**§66262.33. Placarding.**

Before transporting hazardous waste or offering hazardous waste for transportation off-site, ~~a generator shall ensure that the transport vehicle is correctly placarded~~ a generator shall placard or offer the initial transporter the appropriate placards according to Department of Transportation regulations for hazardous materials under ~~Title 49 CFR Code of Federal Regulations~~ Part 172, Subpart F.

Authority cited: Sections ~~208~~, 25150, 25159 and 25161, Health and Safety Code.

Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code; ~~40 CFR Code of Federal Regulations~~ Section 262.33. ~~49 CFR Code of Federal Regulations~~ Section 171.3 and ~~49 CFR Code of Federal Regulations~~ Part 172, Subpart F.

***Note: This section was further amended by the June 2005 federal cleanup package and the last sentence added in March was deleted in June 2005 by U.S. EPA. This text conforms to the June version.***

9. Amend section 66262.34 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 3, to read as follows:

**§66262.34. Accumulation Time.**

(a) Except as provided in subsections (c) and (d) of this section and section 66262.35, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or grant of interim status, provided that:

(1)(A) the waste is placed in containers and the generator complies with the applicable requirements of articles 9, 27, 28 and 28.5 of chapter 15 of this division, or the waste is placed in tanks and the generator complies with articles 10, 27, 28, and 28.5 of chapter 15 of this division, except sections 66265.197(c) and 66265.200. In addition, such a generator is exempt from all the requirements in articles 7 and 8 of chapter 15 of this division, except for sections 66265.111 and 66265.114; or

(B) the waste is placed on drip pads and the generator complies with the applicable requirements of articles 17.5, 27, 28 and 28.5 of chapter 15 and maintains the following records at the facility:

1. a description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

2. documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; and/or

(C) the waste is placed in containment buildings and the generator complies with article 29 of Chapter 15 of this division, has placed its professional engineer (PE) certification that the building complies with the design standards specified in 66265.1101 in the facility's operating record no later than 60 days after the date of initial operation of the unit. After February 18, 1993, PE certification will be required prior to operation of the unit. The owner or operator shall maintain the following records at the facility:

1. a written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit, and documentation that the procedures are complied with; or

2. documentation that the unit is emptied at least once every 90 days; and

(2) the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; and

(3) the generator complies with the requirements of subsection (f) of this section; and

(4) the generator complies with the requirements for owners or operators in articles 3 and 4 of chapter 15 of this division and with section 66265.16, and with section 66268.7(a)(5).

(b) The beginning of the 90 day period specified in subsections (a) and (c) of this section is determined as follows:

(1) if the generator does not generate more than 100 kilograms of hazardous waste or one kilogram of acutely hazardous waste (listed in section 66261.33(e)) or one kilogram of extremely hazardous waste during any calendar month, the 90 day period begins on the date the generator has accumulated 100 kilograms of hazardous waste or one kilogram of acutely hazardous waste or one kilogram of extremely hazardous waste;

(2) if the generator generates more than 100 kilograms of hazardous waste or one kilogram of acutely hazardous waste or one kilogram of extremely hazardous waste during any calendar month, the 90-day period begins on the first date on which any amount of hazardous waste begins to accumulate during that month.

(c) A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of chapters 14 and 15 of this division and the permit requirements of chapter 20 of this division, unless the generator has been granted an extension to the 90-day period or meets the requirements of subsection (d) or (e) of this section. An extension may be granted pursuant to section 66262.35 if non-RCRA or RCRA exempt hazardous wastes ~~must~~ **shall** remain on-site for longer than 90 days. An extension may be granted by the Department if RCRA hazardous wastes ~~must~~ **shall** remain onsite for longer than 90 days due to unforeseeable, temporary, and uncontrollable circumstances. An extension of up to 30 days for RCRA hazardous waste may be granted at the discretion of the Department on a case-by-case basis.

(d) Notwithstanding subsections (a) and (c) of this section and section 66262.35, a generator of less than 1,000 kilograms of hazardous waste in any calendar month who accumulates hazardous waste onsite for 180 days or less, or 270 days or less if the generator transports the generator's own waste, or offers the generator's waste for transportation, over a distance of 200 miles or more, for offsite treatment, storage, or disposal, is not a storage facility if all of the following apply:

(1) The quantity of hazardous waste accumulated onsite never exceeds 6,000 kilograms.

(2) The generator complies with the requirements of ~~subdivisions (d), (e) and (f) of section 262.34 of Title 40 of the Code of Federal Regulations.~~ **40 Code of Federal Regulations parts 262.34 (d), (e) and (f).**

(3) The generator does not hold acutely hazardous waste or extremely hazardous waste in an amount greater than one kilogram for more than 90 days.

(e)(1) A generator may accumulate as much as 55 gallons of hazardous waste, one quart of acutely hazardous waste (listed in section 66261.33(e)) or one quart of extremely hazardous waste at or near any point of generation, without a permit or grant of interim status, without complying with subsections (a), (b) and (c) of this section, if all of the following requirements are met with respect to this waste:

(A) the waste is accumulated in containers, other than tanks, at the initial accumulation point which is at or near the area where the waste is generated and which is under the control of the operator of the process generating the waste;

(B) the generator does not hold the waste onsite for more than one year from the initial date of accumulation, or for longer than the applicable accumulation period specified in subdivision (a) or (d), whichever occurs first. For purposes of this subdivision, the applicable accumulation period specified in subdivision (a) or (d) shall start on the date the quantity limitation specified in paragraph 1 of subsection (e) of this section is reached;

(C) the initial date of waste accumulation is clearly marked and visible for inspection on each container used for accumulation of hazardous waste;

(D) the generator complies with sections 66265.171, 66265.172, and 66265.173(a) of this division; and

(E) the generator complies with subsections (e)(2), (e)(3) and (f)(3) of this section.

(2) Except as provided in subsections (e)(2)(A) and (e)(2)(B) of this section, a process or group of processes meeting the requirements of subsection (e)(1) of this section, shall be subject to a single 55 gallon or one quart accumulation limit for that process or group of processes.

(A) If not all of the wastestreams generated by a single process or group of processes located within the same physical area are compatible, a separate 55 gallon or one quart limit shall apply to each group of wastestreams that are compatible.

(B) If the generator determines that using only one 55-gallon or one-quart container to initially accumulate specific compatible wastestreams is not practical (e.g., prevents recycling or requires unreasonable accumulation procedures) or safe from an environmental or worker/public health and safety standpoint, the generator may use a separate 55-gallon or one-quart container for those specific compatible wastestreams. The generator's determination shall be subject to review and approval by the Department at any time.

(3) A generator who has accumulated an amount of hazardous waste, acutely hazardous waste or extremely hazardous waste equal to any applicable quantity limitation listed in subsection (e) (1) of this section at or near any point of generation shall, with respect to that waste, comply within three days with subsection (a) of this section and other applicable provisions of this division. During the three day period the generator shall continue to comply with subsection (e)(1) of this section. Within the three day period, the generator shall mark the container holding the hazardous waste with the date the applicable quantity limitation was reached.

(f) Generators who accumulate hazardous waste on site without a permit or grant of interim status shall comply with the following requirements:

(1) the date upon which each period of accumulation begins shall be clearly marked and visible for inspection on each container and portable tank;

(2) the date the applicable accumulation period specified in subsection (a) or (d) of this section begins, for purposes of subsections (a) and (b) of this section, shall be clearly marked and visible for inspection on each container and tank; and



(3) each container and tank used for onsite accumulation of hazardous waste shall be labeled or marked clearly with the words, "Hazardous Waste." Additionally, all containers and portable tanks shall be labeled with the following information:

- (A) composition and physical state of the wastes;
- (B) statement or statements which call attention to the particular hazardous properties of the waste (e.g., flammable, reactive, etc.);
- (C) name and address of the person producing the waste.

**(g) Except as provided in Health and Safety Code section 25160.6, subsection (e), a generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of sections 66264.72 or 66265.72 may accumulate the returned waste on-site for 90 days or less, in accordance with the requirements of paragraph (1) of subdivision (a) of this section. Upon receipt of the returned shipment, the generator shall:**

**(1) sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or**

**(2) sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest;**

**(3) submit a copy of the signed manifest to the Department within 30 days of receipt. Mail the legible manifest copy, specifically the designated facility-to-Destination state manifest copy (page 1 of the manifest) to:**

**DTSC Facility Manifests**  
**P.O. Box 3000, Sacramento, CA**  
**95812-3000**

**(h) The generator of the rejected hazardous waste shall label or mark the hazardous waste in a manner that indicates that it is rejected hazardous waste and shall include the date it was received by the generator. If the generator of the rejected hazardous waste commingles it with other hazardous wastes, the shorter of any applicable accumulation time limits shall apply to the commingled hazardous waste.**

Authority cited: Sections 25150, 25159, 25159.5, 25160.6 (f) and (g), 25179.6 and 58012, Health and Safety Code.

Reference: Sections 25123.3, 25150, 25159, 25159.5, 25160.6, and 58012, Health and Safety Code; and 40 ~~CFR~~ Code of Federal Regulations Section 262.34.

***Note: Federal numbering is different. (g) is (m) in federal regulations. Revised to be as stringent as AB 1358/2004 by requiring labeling or marking, allowing only 90 days total, and addressing commingled waste. Requirement of (g)(3) for generators acting as a TSDF to submit manifests derives from 25160.6(f).***

10. Amend section 66262.53 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 6, to read as follows:

**§66262.53. Notification of Intent to Export.**

(a) A primary exporter of RCRA hazardous waste shall concurrently notify ~~USEPA~~ **U.S. EPA** and send a copy of that notification to the Department of an intended export before such waste is scheduled to leave the United States. A complete notification shall be submitted sixty (60) days before the initial shipment is intended to be shipped off site. This notification shall cover export activities extending over a twelve (12) month or lesser period. The notification shall be in writing, signed by the primary exporter, and include the following information:

(1) name, mailing address, telephone number and ID number of the primary exporter;

(2) by consignee, for each hazardous waste type:

(A) a description of the hazardous waste and the EPA hazardous waste number, if applicable, (from chapter 11, articles 3 and 4), California Hazardous Waste Code Number **(from chapter 11, Appendix XII)**, U.S. DOT proper shipping name, hazard class and ID number (UN/NA) for each hazardous waste as identified in **Title 49 CFR Code of Federal Regulations** Parts 171 through 177;

(B) the estimated frequency or rate at which such waste is to be exported and the period of time over which such waste is to be exported;

(C) the estimated total quantity of the hazardous waste in units as specified in the instructions to the Uniform Hazardous Waste Manifest Form **(Form DTSC 8022A 4/97)** in the appendix to **Chapter 12 section 66262** ;

(D) all points of entry to and departure from each foreign country through which the hazardous waste will pass;

(E) a description of the means by which each shipment of the hazardous waste will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), type(s) of container (drums, boxes, tanks, etc.));

(F) a description of the manner in which the hazardous waste will be treated, stored or disposed of in the receiving country (e.g., land or ocean incineration, other land disposal, ocean dumping, recycling);

(G) the name and site address of the consignee and any alternate consignee; and

(H) the name of any transit countries through which the hazardous waste will be sent and a description of the approximate length of time the hazardous waste will remain in such country and the nature of its handling while there.

(b) A primary exporter of non-RCRA hazardous waste shall notify the Department of an intended export before such waste is scheduled to leave the United States. A complete notification shall be submitted four weeks before the initial shipment is intended to be shipped off site. This notification shall cover export activities extending over a twelve (12) month or lesser period. The notification shall be in writing, signed by

the primary exporter, and include all the information required by subsections 66262.53(a) (1) and (2).

(c) Notifications submitted by mail for RCRA hazardous waste exports shall be sent to the following mailing address: Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting, and Data Division (2222A), Environmental Protection Agency, 401 M Street SW, Washington, DC 20460. Hand delivered notifications should be sent to: Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting, and Data Division (2222A), Environmental Protection Agency, Ariel Rios Bldg., 12th Street and Pennsylvania Avenue, NW, Washington, DC 20460. In both cases the following shall be prominently displayed on the front of the envelope: "Attention: Notification for Intent to Export." In addition, a copy of the notification shall be sent to the **Import /Export Coordinator, Dept. Department of Toxic Substances Control, Hazardous Waste Management Program, Statewide Compliance Division, Glendale Branch, 1011 North Grandview Avenue, Glendale, California 91201-2205 P.O. Box 806, Sacramento, CA 95812-0806, with "Attention: Notification to Export"** prominently displayed on the front of the envelope. Notwithstanding any other provision of law or regulation, notifications for non-RCRA hazardous waste exports shall only be sent to the Department.

(d) When the conditions specified on the original notification change (including any exceedance of the estimate of the quantity of hazardous waste specified in the original notification), the primary exporter shall provide EPA and the Department with a written renotification of the change, except for changes to the telephone number in subsection (a)(1) of this section, changes to subsection (a)(2)(E) of this section and decreases in the quantity indicated pursuant to subsection (a)(2)(C) of this section. The shipment cannot take place until consent of the receiving country to the changes (except for changes to subsection (a)(2)(H) of this section and in the ports of entry to and departure from transit countries pursuant to subsection (a)(2)(D) of this section) has been obtained and the primary exporter receives an EPA Acknowledgment of Consent reflecting the receiving country's consent to the changes.

(e) Upon request by EPA, a primary exporter shall furnish to EPA any additional information which a receiving country requests in order to respond to a notification.

(f) In conjunction with the Department of State, EPA will provide a complete notification to the receiving country and any transit countries. A notification is complete when EPA receives a notification which EPA determines satisfies the requirements of section 66262.53(a). Where a claim of confidentiality is asserted with respect to any notification information required by section 66262.53(a), EPA may find the notification not complete until any such claim is resolved in accordance with section 66260.2.

(g) Where the receiving country consents to the receipt of the hazardous waste, EPA will forward an EPA Acknowledgment of Consent to the primary exporter for purposes of section 66262.54(h). Where the receiving country objects to receipt of the hazardous waste or withdraws a prior consent, EPA will notify the primary exporter in writing. EPA will also notify the primary exporter of any responses from transit countries.

Authority cited: Sections ~~208~~, 25150.2 and 25159, Health and Safety Code.

Reference: Sections 25150.2, 25159, 25159.5 and 25162, Health and Safety Code, 40 ~~CFR~~ Code of Federal Regulations Section 262.53.

***Notes: Per SCD Glendale, the current Sacramento addresses will be changed to Glendale's in section 66262.53 and 66262.60. These sections were not changed by the federal manifest rulemaking.***

11. Amend section 66262.54 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 5, to read as follows:

**§66262.54. Special Manifest Requirements-Exports.**

A primary exporter shall comply with the manifest requirements of sections 66262.20 through 66262.23 except that:

(a) in lieu of the name, site address and ID number of the designated permitted facility, the primary exporter shall enter the name and site address of the consignee;

(b) in lieu of the name, site address and ID number of a permitted alternate facility, the primary exporter may enter the name and site address of any alternate consignee;

(c) for shipments initiated before September 5, 2006, in Special Handling Instructions and Additional Information, the primary exporter shall identify the point of departure from the United States;

For shipments initiated on and after September 5, 2006, in the International Shipments block, the primary exporter shall check the export box and enter the point of exit (city and State) from the United States.

(d) for shipments initiated before September 5, 2006, for RCRA hazardous waste, the following statement shall be added to the end of the first sentence of the certification set forth in Item 16 of the Uniform Hazardous Waste Manifest Form: "and conforms to the terms of the attached EPA Acknowledgment of Consent".

For shipments initiated on and after September 5, 2006, this statement will be entered in Item 15;

(e) for shipments initiated before September 5, 2006, in lieu of the requirements of section 66262.21, the primary exporter shall obtain the manifest form from the Department;

For shipments initiated on and after September 5, 2006, the primary exporter may obtain the manifest from any source that is registered with the U.S. EPA as a supplier of manifests (e.g., states, waste handlers, and/or commercial forms printers).

(f) the primary exporter shall require the consignee to confirm in writing the delivery of the hazardous waste to that facility and to describe any significant discrepancies (as defined in section 66264.72(a)) between the manifest and the shipment. A copy of the manifest signed by such facility may be used to confirm delivery of the hazardous waste;

(g) in lieu of the requirements of section 66262.20(d), where a shipment cannot be delivered for any reason to the designated or alternate consignee, the primary exporter shall:

(1) renotify US EPA for RCRA hazardous waste and the Department for both RCRA hazardous waste and non-RCRA hazardous waste of a change in the conditions of the original notification to allow shipment to a new consignee in accordance with section 66262.53(c) or

(2) instruct the transporter to return the waste to the primary exporter in the United States or designate another facility within the United States; and

(3) instruct the transporter to revise the manifest in accordance with the primary exporter's instructions;

(h) for RCRA hazardous waste, the primary exporter shall attach a copy of the EPA Acknowledgment of Consent to the shipment to the manifest which shall accompany the hazardous waste shipment. For exports by rail or water (bulk shipment), the primary exporter shall provide the transporter with an EPA Acknowledgment of Consent which shall accompany the hazardous waste but which need not be attached to the manifest except that for exports by water (bulk shipment) the primary exporter shall attach the copy of the EPA Acknowledgment of Consent to the shipping paper;

(i) for RCRA hazardous waste, the primary exporter shall provide the transporter with an additional copy of the manifest for delivery to the U.S. Customs official at the point the hazardous waste leaves the United States in accordance with section 66263.20 (j) (4).

Authority cited: Sections 25150.2, 25219 and 58012, Health and Safety Code.

Reference: Sections 25150.2, 25159, 25159.5 and 25162, Health and Safety Code, 40 ~~CFR~~ Code of Federal Regulations Section 262.54.

12. Amend section 66262.56 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 6, to read as follows:

**§66262.56. Annual Reports.**

(a) Primary exporters of hazardous waste shall file with the USEPA Administrator and the Department no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all hazardous waste exported to a foreign country from the State during the previous calendar year. Such reports shall include the following:

- (1) the Identification Number, name, and mailing and site address of the exporter;
- (2) the calendar year covered by the report;
- (3) the name and site address of each consignee;
- (4) by consignee, for each hazardous waste exported, a description of the hazardous waste, the EPA hazardous waste number, ~~if applicable~~ (from chapter 11, articles 3 and 4), the California Hazardous Waste Code Number **(from chapter 11, Appendix XII), if applicable**, DOT hazard class, the name and ID Number (where applicable) for each transporter used, the total amount of waste shipped and number of shipments pursuant to each notification;

- (5) unless provided pursuant to section 66262.41, in even numbered years:

- (A) a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and

- (B) a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984;

- (6) a certification signed by the primary exporter which states:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

(b) Annual reports submitted by mail shall be sent to the following mailing address: Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting, and Data Division (2222A), Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460. Hand delivered notifications should be sent to: Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting, and Data Division (2222A), Environmental Protection Agency, Ariel Rios Bldg., 12th Street and Pennsylvania Avenue, NW, Washington, DC 20460. A copy of each report shall be sent to the Department at the following address: **Import /Export Coordinator**, Department of Toxic Substances Control, Hazardous Waste Management Program, Statewide Compliance Division, **Glendale Branch, 1011 North Grandview Avenue, Glendale, California 91201-2205** P.O. Box 806, Sacramento, CA 95812-0806.

Authority cited: Sections ~~208~~, 25150.2 and 25159, Health and Safety Code.

Reference: Sections 25150.2, 25159, 25159.5 and 25162, Health and Safety Code, 40 ~~CFR~~ Code of Federal Regulations Section 262.56.

***Note: DTSC Address change is non-substantive. Reference to Appendix for clarity only. This section was not amended by U.S. EPA manifest regulations.***



13. Amend section 66262.60 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 6, to read as follows:

**§66262.60. Imports of Hazardous Waste.**

(a) Any person who imports hazardous waste from a foreign country to a designated facility within the State shall comply with the requirements of this chapter and the special requirements of this article.

(b) When importing hazardous waste, a person shall meet all the requirements of section 66262.20(a) for the manifest except that:

(1) in place of the generator's name, address and Identification Number, the name and address of the foreign generator and the importer's name, address and Identification Number shall be used;

(2) in place of the generator's signature on the certification statement, the U.S. importer or the importer's agent shall sign and date the certification and obtain the signature of the initial transporter;

(3) **for shipments initiated before September 5, 2006,** a person importing hazardous waste into California for shipment to a facility outside of the State shall use:

(A) for persons importing RCRA hazardous waste or material regulated as hazardous waste in the receiving state, the Uniform Hazardous Waste Manifest required by the receiving state; or

(B) for non-RCRA hazardous waste not regulated as hazardous waste by the receiving state, the California Uniform Hazardous Waste Manifest (DTSC 8022A, revised **1/99 4/97**).

(c) **For shipments initiated before September 5, 2006,** a person who imports hazardous waste shall obtain the manifest form from the Department.

**For shipments initiated on and after September 5, 2006,** a person who imports hazardous waste may obtain the manifest form from any source that is registered with the U.S. EPA as a supplier of manifests (e.g., states, waste handlers, and/or commercial forms printers).

**(d) For shipments initiated on and after September 5, 2006,** in the International Shipments block, the importer shall check the import box and enter the point of entry (city and State) into the United States.

**(e) The importer shall provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to U.S. EPA in accordance with sections 66264.71 subsection (a) paragraph (3) and 66265.71 subsection (a) paragraph (3) of this division and 40 Code of Federal Regulations parts 264.71(a)(3) and 265.71(a)(3).**

**Note to Reviewers:**

***The Manifest and the Continuation Sheet and Instructions must be exactly the same as adopted by federal regulations. No changes are allowed to these instructions or forms. Yellow highlight/shading is added to show new items, deleted items, or more important federal changes.***

14. Repeal Appendix of the California Code of Regulations, title 22, division 4.5, chapter 12 as of September 4, 2006; and as of September 5, 2006, adopt Appendix 1 with the following provisions:

**Appendix  
California Uniform Hazardous Waste Manifest  
and Instructions (DTSC Form 8022-A and  
(EPA Form 8700-22 and Continuation Sheet EPA Form 8700-22A)  
and Their Instructions)**

~~DTSC Form 8022-A.~~

Read all instructions before completing this form.

1. ~~This form has been designed for use on a 12-pitch (elite) typewriter; a firm point pen may also be used. --, press down hard.~~

2. ~~Federal and State~~ regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage and disposal facilities to use complete this form (EPA Form 8700-22) ~~(DTSC 8022-A)~~ and, if necessary, the continuation sheet ~~Continuation Sheet~~ (EPA Form 8700-22A) for both inter- and intrastate transportation.

The following statement must be included with each Uniform Hazardous Waste Manifest, either on the form, in the instructions to the form, or accompanying the form:

Public reporting burden for this collection of information is estimated to average: 30 minutes for generators, 10 minutes for transporters, and 25 minutes for owners or operators of treatment, storage, and disposal facilities. This includes time for reviewing instructions, gathering data, completing, reviewing and transmitting the form. Send comments regarding the burden estimate, including suggestions for reducing this burden, to: Chief, Information Policy Branch (2136), U.S. Environmental Protection Agency, Ariel Rios Building; 1200 Pennsylvania Ave., NW, Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

**I. Instructions for Generators**

~~Item 4. Item 1. Generator's U.S. EPA Identification Number Generator's Identification Number-Manifest Document Number.~~

Enter the generator's U.S. EPA twelve digit Identification Number, or the State generator identification number if the generator site does not have an EPA identification number. ~~and the unique five digit number assigned to this Manifest (e.g., 00001) by the generator.~~

~~Item 2. Item 2. Page 1 of \_\_\_\_\_ Page 1 of \_\_\_\_\_~~

~~Enter the total number of pages used to complete this Manifest; (i.e., the first page (EPA Form 8700-22) (DTSC Form 8022-A) plus the number of Continuation Sheets (EPA Form 8700-22A), if any).~~

Item 3. **Emergency Response Phone Number**

Enter a phone number for which emergency response information can be obtained in the event of an incident during transportation. The emergency response phone number must:

1. Be the number of the generator or the number of an agency or organization who is capable of and accepts responsibility for providing detailed information about the shipment;
2. Reach a phone that is monitored 24 hours a day at all times the waste is in transportation (including transportation related storage); and
3. Reach someone who is either knowledgeable of the hazardous waste being shipped and has comprehensive emergency response and spill cleanup/incident mitigation information for the material being shipped or has immediate access to a person who has that knowledge and information about the shipment.

Note: Emergency Response phone number information should only be entered in Item 3 when there is one phone number that applies to all the waste materials described in Item 9b. If a situation (e.g., consolidated shipments) arises where more than one Emergency Response phone number applies to the various wastes listed on the manifest, the phone numbers associated with each specific material should be entered after its description in Item 9b.

Item 4. Manifest Tracking Number

This unique tracking number must be pre-printed on the manifest by the forms printer.  
~~Item 3. Generator's Name and Mailing Address:~~

Item 5. Generator's Mailing Address, Phone Number and **Site Address**

~~Enter the name and mailing address of the generator, the mailing address to which the completed manifest signed by the designated facility should be mailed, and the generator's telephone number. Note, the telephone number (including area code) should be the number where the generator or his authorized agent may be reached to provide instructions in the event of an emergency or if the designated and/or alternate (if any) facility rejects some or all of the shipment. Also enter the physical site address from which the shipment originates only if this address is different than the mailing address. The address should be the location that will manage the returned Manifest forms.~~

~~Item 4. Generator's Phone Number: Enter a telephone number where an authorized agent of the generator may be reached in the event of an emergency.~~

~~Item 5. Transporter 1 Company Name:~~

*Item 6. Transporter 1 Company Name, and U.S. EPA ID Number*

~~Enter the company name and U.S. EPA ID number of the first transporter who will transport the waste. Vehicle or driver information may not be entered here.~~

~~Item 6. Identification Number: Enter the twelve digit Identification Number of the first transporter identified in item 5.~~

~~Item 7. Transporter 2 Company Name:~~

*Item 7. Transporter 2 Company Name and U.S. EPA ID Number*

~~If applicable, enter the company name and U.S. EPA ID number of the second transporter who will transport the waste. Vehicle or driver information may not be entered here.~~

~~If more than two transporters are needed, use a Continuation Sheet(s) (EPA Form 8700-22A). are used to transport the waste, use a Continuation Sheet(s) (EPA Form 8700-22A) and list the transporters in the order they will be transporting the waste.~~

~~Item 8. Identification Number: If applicable, enter the twelve digit Identification Number of the second transporter identified in item 7. If more than two transporters are used, enter each additional transporter's company name and twelve digit Identification Number in items 24-27 on the Continuation Sheet (EPA Form 8700-22A). Each Continuation Sheet has space to record two additional transporters. Every transporter used between the generator and the designated facility must be listed.~~

~~Item 9. Designated Facility Name and Site Address:~~

*Item 8. Designated Facility Name, Site Address, and U.S. EPA ID Number*

~~Enter the company name and site address of the facility designated to receive the waste listed on this Manifest manifest. Also enter the facility's phone number and the U.S.~~

EPA twelve digit identification number of the facility. ~~The address shall be the site address, which may differ from the company mailing address.~~

~~Item 10. Identification Number: Enter the twelve digit Identification Number of the designated facility identified in item 9.~~

~~Item 11. U.S. DOT Description [Including Proper Shipping Name, Hazard Class, and ID Number (UN/NA)]:~~

Item 9. U.S. DOT Description (Including Proper Shipping Name, Hazard Class or Division, Identification Number, and Packing Group)

Item 9a. If the wastes identified in Item 9b consist of both hazardous and nonhazardous materials, then identify the hazardous materials by entering an "X" in this Item next to the corresponding hazardous material identified in Item 9b.

Item 9b. Enter the U.S. DOT Proper Shipping Name, Hazard Class or Division, and ID Identification Number (UN/NA) and Packing Group for each RCRA hazardous waste as identified in Title 49 CFR 171 through 177 172. Include technical name(s) and reportable quantity references, if applicable.

Non-RCRA hazardous wastes which do not have a U.S. DOT description can be properly described by indicating a generic name of the waste and the phrase "Non-RCRA Hazardous Waste, Solid" or "Non-RCRA Hazardous Waste, Liquid" for solid or liquid wastes, respectively. When possible, the generic name shall be obtained from chapter 11, Appendix X, subdivision (e) of this division. If not listed in chapter 11, Appendix X, subdivision (e) of this division, the commonly recognized industrial name of the waste shall be used.

NOTE: If additional space is needed for waste descriptions, enter these additional descriptions in Item 28 27 on the Continuation Sheet (EPA Form 8700-22A). Also, if more than one Emergency Response phone number applies to the various wastes described in either Item 9b or Item 27, enter applicable Emergency Response phone numbers immediately following the shipping descriptions for those Items.

~~Item 12. Containers (No. and Type):~~

Item 10. Containers (Number and Type)

Enter the number of containers for each waste and the appropriate abbreviation from Table I (below) for the type of container.

TABLE I

Types of Containers

TABLE I. TYPES OF CONTAINERS

BA = Burlap, cloth, paper, or plastic bags

CF = Fiber or plastic boxes, cartons, cases

CM = Metal boxes, cartons, cases (including roll-offs)

CW = Wooden boxes, cartons, cases

CY = Cylinders

DF = Fiberboard or plastic drums, barrels, kegs

DM = Metal drums, barrels, kegs

DT = Dump truck

DW = Wooden drums, barrels, kegs

HG = Hopper or gondola cars

TC = Tank cars

TP = Portable tanks

TT = Cargo tanks (tank trucks)

~~DM = Metal drums, barrels, kegs~~

~~DW = Wooden drums, barrels, kegs~~

~~DF = Fiberboard or plastic drums, barrels, kegs~~

~~TP = Tanks portable~~

~~TT = Cargo tanks (tank trucks)~~

~~TC = Tank cars~~

~~DT = Dump truck~~

~~CY = Cylinders~~

~~CM = Metal boxes, cartons, cases (including roll-offs)~~

~~CW = Wooden boxes, cartons, cases~~

~~CF = Fiber or plastic boxes, cartons, cases~~

~~BA = Burlap, cloth, paper or plastic bags~~

~~Item 13. Total Quantity:~~

Item 11. Total Quantity

Enter, in designated boxes, the total quantity of waste described on each line. One decimal point may be used and shall take one character space. Round partial units to the nearest whole unit, and do not enter decimals or fractions. To the extent practical, report quantities using appropriate units of measure that will allow you to report quantities with precision. Waste quantities entered should be based on actual measurements or reasonably accurate estimates of actual quantities shipped. Container capacities are generally not acceptable as estimates.

~~Item 14. Unit (Wt./Vol.):~~

Item 12. Units of Measure (Weight/Volume)

Enter, in designated boxes, the appropriate abbreviation from Table II (below) for the unit of measure.

TABLE II

Units of Measure

TABLE II. UNITS OF MEASURE

G = Gallons (liquids only)

K = Kilograms

L = Liters (liquids only)

M = Metric Tons (1000 kilograms)†

N = Cubic Meters†

P = Pounds

T = Tons (2000 pounds)†

Y = Cubic Yards†

† Note: Tons, Metric Tons, Cubic Meters, and Cubic Yards should only be reported in connection with very large bulk shipments, such as rail cars, tank trucks, or barges.

~~G = Gallons (liquids only)~~

~~P = Pounds~~

~~T = Tons (2000 lbs)~~

~~Y = Cubic yards~~

~~L = Liters (liquids only)~~

~~K = Kilograms~~

~~M = Metric tons (1000 kg)~~

~~N = Cubic meters~~

### Item 13. Waste Codes

Enter up to six federal and state waste codes to describe each waste stream identified in Item 9b. State waste codes that are not redundant with federal codes must be entered here, in addition to the federal waste codes which are most representative of the properties of the waste.

~~Item 15. Special Handling Instructions and Additional Information:~~

### Item 14. Special Handling Instructions and Additional Information.

1. Generators may enter any special handling or shipment-specific information necessary for the proper management or tracking of the materials under the generator's or other handler's business processes, such as waste profile numbers, container codes, bar codes, or response guide numbers. Generators also may use this space to enter additional descriptive information about their shipped materials, such as chemical names, constituent percentages, physical state, or specific gravity of wastes identified with volume units in Item 12.

2. This space may be used to record limited types of federally required information for which there is no specific space provided on the manifest, including any alternate facility designations; the manifest tracking number of the original manifest for rejected wastes and residues that are re-shipped under a second manifest; and the specification of PCB waste descriptions and PCB out-of-service dates required under 40 CFR 761.207. Generators, however, cannot be required to enter information in this space to meet state regulatory requirements.

~~Generators may use this space to indicate special transportation, treatment, storage or disposal information or Bill of Lading information.~~

For international shipments, generators shall enter in this space the point of departure (City and State) for those shipments destined for treatment, storage or disposal outside the jurisdiction of the United States.

~~International Shipments-Transporter Responsibilities: exports-Transporters shall sign and enter the date the waste left the United States in item 15 of Form DTSC 8022-A. Imports-Shipments of hazardous waste regulated by RCRA or California Code of Regulations and transported into California from another country to a designated facility within the State shall upon entry be accompanied by the California Uniform Hazardous Waste Manifest. Transporters who transport hazardous waste into the United States from another country are responsible for completing the Manifest. See section 66263.10(c)(1).~~

~~Item 16. Generator's Certification:~~

*Item 15. Generator's/Offeror's Certifications*

1. The generator shall ~~must~~ read, sign (by hand), and date the waste minimization certification statement. ~~If a mode other than highway is used, the word "highway" should be lined out and the appropriate mode (rail, water or air) inserted in the space below. If another mode in addition to the highway mode is used, enter the appropriate additional mode (e.g., and rail) in the space below. If another mode in addition to the highway mode is used, enter the appropriate additional mode (e.g., and rail) in the space below.~~ Primary exporters shipping RCRA hazardous waste to a facility located outside of the United States shall add to the end of the first sentence of the certification the following words "and conforms to the terms of the EPA Acknowledgment of Consent to the shipment" Generators may preprint the words, "On behalf of" in the signature block or may hand write this statement in the signature block prior to signing the generator certifications. All of the above information except the handwritten signature required in item 16 may be preprinted. In signing the waste minimization certification statement, large quantity generators are certifying that they have a program in place to reduce the volume and toxicity of waste generated to the degree they have determined to be economically practicable and that they have selected the practicable method of treatment, storage or disposal currently available to them which minimizes the present and future threat to human health and the environment. Small quantity generators are certifying that they "have made a good faith effort to minimize their waste generation and have selected the best waste management method that is available to them and that they can afford."

In signing the waste minimization certification statement, those generators who have not been exempted by statute or regulation from the duty to make a waste minimization certification under section 3002(b) of RCRA are also certifying that they have complied with the waste minimization requirements. The Generator's Certification also contains the required attestation that the shipment has been properly prepared and is in proper condition for transportation (the shipper's certification). The content of the shipper's certification statement is as follows: I hereby declare that the contents of this



consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked, and labeled/placarded, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent." When a party other than the generator prepares the shipment for transportation, this party may also sign the shipper's certification statement as the offeror of the shipment.

2. Generator or Offeror personnel may preprint the words, "On behalf of" in the signature block or may hand write this statement in the signature block prior to signing the generator/offeror certification, to indicate that the individual signs as the employee or agent of the named principal.

NOTE: All of the above information except the handwritten signature required in Item 15 may be pre-printed.

~~Item A. State Manifest Document Number: This is a state issued document number. It may not be altered.~~

~~Item B. State Generator's ID: If applicable, enter your Hazardous Waste Tax Account number issued by the Board of Equalization. This is a 12-character number.~~

~~Item C. [Reserved.]~~

~~Item D. Transporters Phone: Enter the telephone number of the first transporter who will transport the waste.~~

~~Item E. [Reserved.]~~

~~Item F. Transporter's Phone: Enter the telephone number of the second transporter who will transport the waste.~~

~~Item I. Waste Number: Enter the California Waste Category number listed in Table III on the back of the manifest which best identifies your waste. Also enter the appropriate EPA waste category number as listed in Title 40 CFR Part 261.~~

~~Item J. Additional Descriptions: Enter chemical composition for each waste category. List components corresponding to the waste category listed (e.g., %, ppm).~~

~~Items G, H and K --To be completed by TSDF operator.~~

~~Item G. State Facilities ID: enter Identification Number.~~

~~Item H. Facility's phone: enter facility telephone number.~~

~~Item K. Handling Codes: enter waste handling code(s). Select appropriate code(s) from Table IV on the back of the manifest.~~

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## **II. INSTRUCTIONS FOR INTERNATIONAL SHIPMENT BLOCK**

### *Item 16. International Shipments*

For export shipments, the primary exporter must check the export box, and enter the point of exit (city and state) from the United States. For import shipments, the importer must check the import box and enter the point of entry (city and state) into the United States. For exports, the transporter must sign and date the manifest to indicate the day

the shipment left the United States. Transporters of hazardous waste shipments must deliver a copy of the manifest to the U.S. EPA when importing or exporting the waste across U.S. borders.

TRANSPORTERS.

### **III. INSTRUCTIONS FOR TRANSPORTERS**

~~Item 17. Transporter 1 Acknowledgement of Receipt of materials:~~

#### *Item 17. Transporters' Acknowledgments of Receipt*

Enter ~~enter~~ the name of the person accepting the waste on behalf of the first transporter. That person shall must acknowledge acceptance of the waste described on the ~~Manifest~~ manifest by signing and entering the date of receipt. Only one signature per transportation company is required. Signatures are not required to track the movement of wastes in and out of transfer facilities, unless there is a change of custody between transporters.

If applicable, enter the name of the person accepting the waste on behalf of the second transporter. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.

NOTE: Transporters carrying imports or exports of hazardous waste may also have responsibilities to enter information in the International Shipments Block. See above instructions for Item 16.

~~Item 18. Transporter 2 Acknowledgement of Receipt of Materials: enter, if applicable, the name of the person accepting the waste on behalf of the second transporter. That person shall acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.~~

### **III. INSTRUCTIONS FOR OWNERS AND OPERATORS OF TREATMENT, STORAGE, AND DISPOSAL FACILITIES**

~~Item 19. Discrepancy Indication Space:~~

#### *Item 18 Discrepancy*

##### *Item 18a. Discrepancy Indication Space*

1. The ~~the~~ authorized representative of the designated (or alternate) facility's owner or operator must note in this space any significant discrepancy ~~discrepancies~~ between the waste described on the Manifest and the waste actually received at the facility. Manifest discrepancies are: (1) significant differences (as defined by § 264.72(b) and 265.72(b)) between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste a facility actually receives, (2) rejected wastes, which may be a full or partial shipment of hazardous

waste that the TSDF cannot accept, or (3) container residues, which are residues that exceed the quantity limits for "empty" containers set forth in 40 CFR 261.7(b).

2. For rejected loads and residues (40 CFR 264.72(d), (e), and (f), or 40 CFR 265.72(d), (e), or (f)), check the appropriate box if the shipment is a rejected load (i.e., rejected by the designated and/or alternate facility and is sent to an alternate facility or returned to the generator) or a regulated residue that cannot be removed from a container. Enter the reason for the rejection or the inability to remove the residue and a description of the waste. Also, reference the manifest tracking number for any additional manifests being used to track the rejected waste or residue shipment on the original manifest. Indicate the original manifest tracking number in Item 14, the Special Handling Block and Additional Information Block of the additional manifests.

3. Owners or operators of facilities located in unauthorized States (i.e., states in which the U.S. EPA administers the hazardous waste management program) who cannot resolve significant differences in quantity or type within 15 days of receiving the waste must submit to their Regional Administrator a letter with a copy of the Manifest at issue describing the discrepancy and attempts to reconcile it (40 CFR 264.72(c) and 265.72(c)).

4. Owners or operators of facilities located in authorized States (i.e., those States that have received authorization from the U.S. EPA to administer the hazardous waste management program) should contact their State agency for information on where to report discrepancies involving "significant differences" to state officials. Owners and operators of facilities who cannot resolve significant discrepancies within 15 days of receiving the waste shall submit to the Department a letter with a copy of the Manifest at issue describing the discrepancy and attempts to reconcile it pursuant to sections 66264.72 and 66265.72.

*Item 18b. Alternate Facility (or Generator) for Receipt of Full Load Rejections*

Enter the name, address, phone number, and EPA Identification Number of the Alternate Facility which the rejecting TSDF has designated, after consulting with the generator, to receive a fully rejected waste shipment. In the event that a fully rejected shipment is being returned to the generator, the rejecting TSDF may enter the generator's site information in this space. This field is not to be used to forward partially rejected loads or residue waste shipments.

*Item 18c. Alternate Facility (or Generator) Signature.*

The authorized representative of the alternate facility (or the generator in the event of a returned shipment) must sign and date this field of the form to acknowledge receipt of the fully rejected wastes or residues identified by the initial TSDF.

*Item 19. Hazardous Waste Report Management Method Codes*

Enter the most appropriate Hazardous Waste Report Management Method code for each waste listed in Item 9. The Hazardous Waste Report Management Method code is to be entered by the first treatment, storage, or disposal facility (TSDF) that receives the waste and is the code that best describes the way in which the waste is to be managed when received by the TSDF.

*Item 20. Designated Facility Owner or Operator Certification of Receipt (Except As Noted in Item 18a)*

Enter the name of the person receiving the waste on behalf of the owner or operator of the facility. That person must acknowledge receipt or rejection of the waste described on the Manifest by signing and entering the date of receipt or rejection where indicated. Since the Facility Certification acknowledges receipt of the waste except as noted in the Discrepancy Space in Item 18a, the certification should be signed for both waste receipt and waste rejection, with the rejection being noted and described in the space provided in Item 18a. Fully rejected wastes may be forwarded or returned using Item 18b after consultation with the generator. Enter the name of the person accepting the waste on behalf of the owner or operator of the alternate facility or the original generator. That person must acknowledge receipt or rejection of the waste described on the Manifest by signing and entering the date they received or rejected the waste in Item 18c. Partially rejected wastes and residues must be re-shipped under a new manifest, to be initiated and signed by the rejecting TSDF as offeror of the shipment.

~~Item 20. Facility Owner or Operator Certification of Receipt of Hazardous Materials Covered by This Manifest Except as Noted in Item 19: print or type the name of the person accepting the waste on behalf of the owner or operator of the facility. That person shall acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.~~

~~Item G. State Facility's ID: enter Identification number.~~

~~Item H. Facility's Phone: enter facility telephone number.~~

~~Item K. Handling Codes: enter waste handling codes. Select appropriate code(s) from Table IV on the back of the Manifest.~~

***Note: Tables III and IV found on the current California printed manifest as instructions were not adopted by California regulations so they do not need to be repealed. The information in Table III for State waste codes is found in Appendix XII of Chapter 11. Table IV, handling codes are replaced by new Hazardous Waste Report Management Method Codes and are found in the Federal Register / Vol. 70, No. 42 / Friday, March 4, 2005, p. 10786-10787 at <http://www.epa.gov/epaoswer/hazwaste/gener/manifest/pdf/manfst-fr.pdf>***

**Illustration # 115: Refer to EPA Form # 8700-22, Uniform Hazardous Waste Manifest strike out old CA manifest image and add new manifest image**

Please print or type. (Form designed for use on elite (12-pitch) typewriter.) Form Approved: OMB No. 2050-0039

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number	2. Page 1 of	3. Emergency Response Phone	4. Manifest Tracking Number		
5. Generator's Name and Mailing Address		Generator's Site Address (if different than mailing address)					
Generator's Phone:							
6. Transporter 1 Company Name					U.S. EPA ID Number		
7. Transporter 2 Company Name					U.S. EPA ID Number		
8. Designated Facility Name and Site Address					U.S. EPA ID Number		
Facility's Phone:							
9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers No. Type		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes	
1.							
2.							
3.							
4.							
14. Special Handling Instructions and Additional Information							
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.							
Generator's/Offor's Printed/Typed Name		Signature		Month	Day	Year	
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S.		Port of entry/exit:		Date leaving U.S.:			
17. Transporter Acknowledgment of Receipt of Materials							
Transporter 1 Printed/Typed Name		Signature		Month	Day	Year	
Transporter 2 Printed/Typed Name		Signature		Month	Day	Year	
18. Discrepancy							
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection							
18b. Alternate Facility (or Generator)		Manifest Reference Number: U.S. EPA ID Number					
Facility's Phone:							
18c. Signature of Alternate Facility (or Generator)		Signature		Month	Day	Year	
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)							
1.	2.	3.	4.				
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a							
Printed/Typed Name		Signature		Month	Day	Year	

EPA Form 8700-22 (Rev. 3-05) Previous editions are obsolete.

DESIGNATED FACILITY TO DESTINATION STATE (IF REQUIRED)

~~Instructions-Continuation Sheet,  
U.S. EPA Form 8700-22A.~~

**Manifest Continuation Sheet**

**INSTRUCTIONS-CONTINUATION SHEET, U.S. EPA FORM 8700-22A**

~~Read all instructions before completing this form.~~

~~This form has been designed for use on a 12-pitch (elite) typewriter; a firm point pen may also be used—press down hard. This form shall be used as a continuation sheet to DTSC Form 8022-A if:~~

- ~~\* more than two transporters are to be used to transport the waste;~~
- ~~\* more space is required for the U.S. DOT description and related information in Item 14 of DTSC Form 8022-A.~~

Read all instructions before completing this form. This form has been designed for use on a 12-pitch (elite) typewriter; a firm point pen may also be used—press down hard.

This form must be used as a continuation sheet to U.S. EPA Form 8700-22 if:

- More than two transporters are to be used to transport the waste; or
- More space is required for the U.S. DOT descriptions and related information in Item 9 of U.S. EPA Form 8700-22.

~~Federal and State regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage or disposal facilities to use the California Uniform Hazardous Waste Manifest (DTSC Form 8022-A) uniform hazardous waste manifest (EPA Form 8700-22) and, if necessary, this Continuation Sheet continuation sheet (EPA Form 8700-22A) for both inter- and intrastate interstate and intrastate transportation.~~

~~GENERATORS.~~

~~Item 21. Generator's Identification Number-Manifest Document Number: enter the generator's twelve digit Identification Number and the unique five digit number assigned to this Manifest (e.g., 00001) as it appears in item 1 on the first page of the Manifest.~~

Item 21. Generator's ID Number

Enter the generator's U.S. EPA twelve digit identification number or, the State generator identification number if the generator site does not have an EPA identification number

Item 22. Page: enter the page number of this Continuation Sheet.

Item 22. Page          —    

Enter the page number of this Continuation Sheet.

Item 23. Manifest Tracking Number

Enter the Manifest Tracking number from Item 4 of the Manifest form to which this continuation sheet is attached.

~~Item 23. Generator's Name: enter the generator's name as it appears in item 3 on the first page of the Manifest.~~

Item 24. Generator's Name —

Enter the generator's name as it appears in Item 5 on the first page of the manifest.

~~Item 24. Transporter--Company Name: if~~

Item 25. Transporter — Company Name

If additional transporters are used to transport the waste described on this manifest Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 3 Company Name. Also enter the U.S. EPA twelve digit identification number of the transporter described in Item 25.

~~Each Continuation Sheet will record the names of two additional transporters.~~

~~Item 25. Identification Number: enter the twelve digit Identification Number of the transporter described in item 24.~~

~~Item 26. Transporter--Company Name: if~~

Item 26. Transporter — Company Name

If additional transporters are used to transport the waste described on this manifest Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 4 Company Name.

Each Continuation Sheet will can record the names of two additional transporters. Also enter the U.S. EPA twelve digit identification number of the transporter named in Item 26.

~~Item 27. Identification Number: enter the twelve digit Identification Number of the transporter described in item 26.~~

~~Item 28. U.S. DOT Description Including Proper Shipping Name, Hazardous Class, and ID Number (UN/NA):~~ wastes that are classified as non-RCRA hazardous wastes can be properly described by indicating a generic name of the waste and the phrase "Non-RCRA Hazardous Waste, Solid" or "Non-RCRA Hazardous Waste, Liquid" for solid or liquid wastes, respectively. When possible, the generic name shall be obtained from chapter 11, Appendix X, subdivision (e) of this division. If not listed in chapter 11, Appendix X, subdivision (e) of this division, the commonly recognized industrial name of the waste shall be used. Refer to item 11.

Item 27. U.S. D.O.T. Description Including Proper Shipping Name, Hazardous Class, and ID Number (UN/NA)

For each row enter a sequential number under Item 27b that corresponds to the order of waste codes from one continuation sheet to the next, to reflect the total number of wastes being shipped. Refer to instructions for Item 9 of the manifest for the information to be entered.

~~Item 29. Containers (No. and Type): refer to item 12.~~

Item 28. Containers (No. And Type)

Refer to the instructions for Item 10 of the manifest for information to be entered.

~~Item 30. Total Quantity: refer to item 13.~~

Item 29. Total Quantity

Refer to the instructions for Item 11 of the manifest form.

~~Item 31. Unit (Wt./Vol.): refer to item 14.~~

Item 30. Units of Measure (Weight/Volume)

Refer to the instructions for Item 12 of the manifest form.

Item 31. Waste Codes

Refer to the instructions for Item 13 of the manifest form.

~~Item 32. Special Handling Instructions:~~

~~generators may use this space to indicate special transportation, treatment, storage or disposal information or Bill of Lading information.~~

Item 32. Special Handling Instructions and Additional Information

Refer to the instructions for Item 14 of the manifest form.

~~Item L. State Manifest Document Number: enter the same document number as printer in block A in the first page of the manifest.~~

~~Item M. State Generator's ID: refer to item B.~~

~~Item N. [Reserved.]~~

~~Item O. Transporter's phone: refer to item D.~~

~~Item P. [Reserved.]~~

~~Item Q. Transporter's phone: refer to item F.~~

~~Item R. Waste Number: refer to item I.~~

~~Item S. Additional descriptions: see item J.~~

~~Item T. Handling codes: see item K.~~



## TRANSPORTERS.

~~Item 33. Transporter--Acknowledgement of Receipt of Materials: enter~~

### Item 33. Transporter — Acknowledgment of Receipt of Materials

Enter the same number of the Transporter as identified in item ~~25~~ 24. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in ~~item 24~~ Item 25. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

~~Item 34. Transporter--Acknowledgement of Receipt of Materials: enter~~

### Item 34. Transporter — Acknowledgment of Receipt of Materials

Enter the same number of the Transporter as identified in item 26. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in ~~item~~ Item 26. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

## OWNERS AND OPERATORS OF TREATMENT, STORAGE OR DISPOSAL FACILITIES.

~~Item 35. Discrepancy Indication Space: refer to item 19.~~

### Item 35. Discrepancy Indication Space

Refer to Item 18. This space may be used to more fully describe information on discrepancies identified in Item 18a of the manifest form.

### Item 36. Hazardous Waste Report Management Method Codes

For each field here, enter the sequential number that corresponds to the waste materials described under Item 27, and enter the appropriate process code that describes how the materials will be processed when received. If additional continuation sheets are attached, continue numbering the waste materials and process code fields sequentially, and enter on each sheet the process codes corresponding to the waste materials identified on that sheet.

Authority cited: Sections 25150, 25159 and 58012, Health and Safety Code.

References: Sections 25159, 25159.5 and 58012, Health and Safety Code; 40 CFR Code of Federal Regulations 262 Appendix.

**Illustration # 116: EPA Form Number 8700-22A Manifest Continuation Form**  
**Strike out old continuation sheet and add new one.**

Please print or type. (Form designed for use on elite (12-pitch) typewriter.) Form Approved OMB No. 2050-0039

<b>UNIFORM HAZARDOUS WASTE MANIFEST (Continuation Sheet)</b>		21. Generator ID Number		22. Page	23. Manifest Tracking Number		
24. Generator's Name							
25. Transporter _____ Company Name					U.S. EPA ID Number		
26. Transporter _____ Company Name					U.S. EPA ID Number		
GENERATOR	27a. HM	27b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	28. Containers No. Type		29. Total Quantity	30. Unit Wt./Vol.	31. Waste Codes
32. Special Handling Instructions and Additional Information							
TRANSPORTER	33. Transporter _____ Acknowledgment of Receipt of Materials		Signature		Month	Day	Year
	Printed/Typed Name						
DESIGNATED FACILITY	34. Transporter _____ Acknowledgment of Receipt of Materials		Signature		Month	Day	Year
	Printed/Typed Name						
35. Discrepancy							
36. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)							

DESIGNATED FACILITY TO DESTINATION STATE (IF REQUIRED)

EPA Form 8700-22A (Rev. 3-05) Previous editions are obsolete.

15. Amend section 66263.10 of the California Code of Regulations, title 22, division 4.5, chapter 13, article 1, to read as follows:

**§66263.10. Applicability.**

(a) These regulations establish standards which apply to persons transporting hazardous waste within, into, out of or through the State if the transportation requires a manifest under ~~section 25160 of the~~ Health and Safety Code section 25160.

(b) These regulations do not apply to on-site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities.

(c) A transporter of hazardous waste shall also comply with standards applicable to generators of hazardous waste under chapter 12 of this division if the transporter:

(1) transports hazardous waste to a designated facility within the State from outside the United States; or

(2) mixes hazardous wastes of different Federal Department of Transportation (DOT) shipping descriptions by placing them into a single container

(d) A transporter of hazardous waste subject to the Federal manifesting requirements of 40 CFR Code of Federal Regulations Part 262, or subject to the universal waste management standards of 40 CFR Code of Federal Regulations Part 273, that is being imported from or exported to any of the countries listed in 40 CFR Code of Federal Regulations ~~part~~ section 262.58(a)(1) or section 66262.58(a)(1) for purposes of recovery is subject to 40 CFR Code of Federal Regulations Part 262, Subpart H or this article and to all other relevant requirements of 40 CFR Code of Federal Regulations Part 262, Subpart H or this article, including, but not limited to, 40 CFR Code of Federal Regulations ~~part~~ section 262.84 or section 66262.84 for tracking documents.

Authority cited: Sections ~~208~~, 25150, 25159, 25159.5 and 25160, Health and Safety Code.

Reference: Sections 25159 and 25159.5, Health and Safety Code, 40 CFR Code of Federal Regulations Section 263.10.

16. Amend section 66263.18 of the California Code of Regulations, title 22, division 4.5, chapter 13, article 1, to read as follows:

**§66263.18. Exempt Transfer Facility Exemption.**

**(a)** A transfer facility, as defined in section 25123.3(a)(3) of the Health and Safety Code, is not subject to the requirements of chapters 14, 15, 18 and 20 regarding a permit for waste storage when, during the normal course of transportation, **hazardous waste is held as specified in subsection (b)** ~~hazardous wastes are held for six days or less, or 10 days or less for transfer facilities in areas zoned industrial by the local planning authority,~~ and:

**(a) (1)** manifested shipments of packaged or containerized hazardous wastes meeting the packaging requirements of section 66262.30 are only transferred from one vehicle to another; and

**(b) (2)** the packages or containers used in this transfer shall be the same packages or containers used for transporting the hazardous wastes and no additional handling shall take place.

**(b) Hazardous wastes held at a transfer facility:**

**(1) if located in an area zoned by the local planning authority for industrial or agricultural land use, may hold hazardous wastes for 10 days or less, unless subject to subsection (b)(2).**

**(2) if located in an area zoned agricultural that commenced initial operations before January 1, 2005 and is located within 500 feet of a structure identified in subparagraphs (A) to (E), inclusive, of paragraph (1) of subsection (b) of Section 25232 of the Health and Safety Code, may hold hazardous waste for six days or less.**

**(3) if located on land zoned for other land use unless it is not prohibited by subsection (c), may hold hazardous waste for six days or less.**

**(c) The transfer facility exemption of this section does not apply and is prohibited as follows:**

**(1) on property zoned residential; or**

**(2) at a transfer facility that commenced initial operations on and after January 1, 2005 and is located within 500 feet of a structure identified in subparagraphs (A) to (E), inclusive, of paragraph (1) of subsection (b) of Section 25232 of the Health and Safety Code.**

Authority cited: Sections ~~208~~, 25150, 25159, 25159.5 and 25168.1, Health and Safety Code.

Reference: Sections 25123.3, 25159, ~~and~~ 25159.5, and 25232, Health and Safety Code, 40 CFR ~~Code of~~ Federal Regulations Section 263.12.

***Note: these changes were not adopted in federal manifest regulations. They are needed so that the regulations are consistent with AB 2251/2004 changes made in Health and Safety Code 25123.3.)***

17. Amend section 66263.20 of the California Code of Regulations, title 22, division 4.5, chapter 13, article 2, to read as follows:

**§66263.20. Manifest Procedures for the Transporter.**

(a) A transporter shall not accept hazardous waste from a generator unless it is accompanied by a manifest completed and signed in accordance with the provisions of article 2, chapter 12 of this division. In the case of RCRA hazardous waste exports other than those subject to Subpart H of 40 **CFR Code of Federal Regulations** Part 262 or this article, a transporter shall not accept such waste from a primary exporter or other person (1) if the transporter knows the shipment does not conform to the ~~USEPA~~ **U.S. EPA** Acknowledgment of Consent; and (2) unless, in addition to a manifest signed in accordance with the provisions of article 2, chapter 12 of this division, such waste is also accompanied by an **U.S. EPA** Acknowledgment of Consent which, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)). For exports of hazardous waste subject to the requirements of Subpart H of 40 **CFR Code of Federal Regulations** Part 262, or this article, a transporter shall not accept hazardous waste without a tracking document that includes all information required by 40 **CFR Code of Federal Regulations part** section 262.84 **or section 66262.84. of this division.**

(b) Before transporting the hazardous waste, the transporter shall complete, sign and date the Transporter of Waste section of the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter shall return a signed copy to the generator prior to removal of the waste from the generator's facility.

(c) The transporter shall ensure that the manifest accompanies the hazardous waste. In the case of RCRA hazardous waste exports, the transporter shall ensure that a copy of the ~~USEPA~~ **U.S. EPA** Acknowledgment of Consent also accompanies the hazardous waste.

(d) The transporter shall have a manifest in the transporter's possession while transporting the hazardous waste and shall release the manifest **to another transporter or to the** owner or operator of the **designated** hazardous waste facility accepting the waste.

(e) A transporter transporting hazardous wastes into or out of the State shall have in their possession a manifest with the Generator of Waste and Transporter of Waste sections completed.

(f) **For shipments that initiated before September 5, 2006, the** ~~The~~ transporter shall submit to the Department a legible copy of the manifest completed by the generator, transporter and hazardous waste facility owner or operator for each load of hazardous waste transported out of the State, within 15 days of the date that the load is accepted by the designated facility on the manifest. The manifest shall state the name and complete address of the hazardous waste facility to which the waste is transported. **This paragraph is repealed on September 5, 2006.**

(g) A transporter who delivers a hazardous waste to another transporter or to the designated facility shall:

(1) obtain the date of delivery and the handwritten signature of that transporter or of the owner or operator of the designated facility on the manifest; and

(2) retain one copy of the manifest in accordance with section 66263.22; and

(3) give the remaining copies of the manifest to the accepting transporter or designated facility.

(h) The requirements of subsections (c), (g) and (i) of this section do not apply to water (bulk shipment) transporters if:

(1) the hazardous waste is delivered by water (bulk shipment) to the designated facility; and

(2) a shipping paper containing all the information required on the manifest (excluding the Identification Numbers, generator certification, and signatures) and, for RCRA hazardous waste exports, an ~~USEPA~~ **U.S. EPA** Acknowledgment of Consent accompanies the hazardous waste; and

(3) the delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper; and

(4) the person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and

(5) a copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with section 66263.22.

(i) For shipments involving rail transportation, the requirements of subsections (c), (e), (g) and (h) do not apply and the following requirements do apply:

(1) when accepting hazardous waste from a non-rail transporter, the initial rail transporter shall:

(A) sign and date the manifest acknowledging acceptance of the hazardous waste;

(B) return a signed copy of the manifest to the non-rail transporter;

(C) forward at least three copies of the manifest to:

1. the next non-rail transporter, if any; or,

2. the designated facility, if the shipment is delivered to that facility by rail; or

3. the last rail transporter designated to handle the waste in the United States;

(D) retain one copy of the manifest and rail shipping paper in accordance with section 66263.22.

(2) Rail transporters shall ensure that a shipping paper containing all the information required on the manifest (excluding the Identification Numbers, generator certification, and signatures) and, for exports of RCRA hazardous waste an ~~USEPA~~ **U.S. EPA** Acknowledgment of Consent accompanies the hazardous waste at all times. Intermediate rail transporters are not required to sign either the manifest or shipping paper.

(3) When delivering hazardous waste to the designated facility, a rail transporter shall:

(A) obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

(B) retain a copy of the manifest or signed shipping paper in accordance with section 66263.22.

(4) When delivering hazardous waste to a non-rail transporter a rail transporter shall:

(A) obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and

(B) retain a copy of the manifest in accordance with section 66263.22.

(5) Before accepting hazardous waste from a rail transporter, a non-rail transporter shall sign and date the manifest and provide a copy to the rail transporter.

(j) Transporters who transport hazardous waste out of the United States ~~from the State of California~~ shall:

(1) for shipments initiated before September 5, 2006, indicate on the manifest the date the hazardous waste left the United States from the State; ~~and~~

For shipments initiated on and after September 5, 2006, sign and date the manifest in the International Shipments block (**Item 16**) to indicate the date that the shipment left the United States and the point of exit; and

(2) for shipments initiated before September 5, 2006, sign the manifest and retain one copy in accordance with section 66263.22(c).

For shipments initiated on and after September 5, 2006, retain one copy in accordance with section 66263.22(d); and

(3) return a signed copy of the manifest to the generator; and

(4) for RCRA regulated hazardous waste, give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.

Authority cited: Sections ~~208~~, 25150, 25159, 25159.5, 25160, 25161 and 25162, Health and Safety Code.

Reference: Sections 25150, 25159, 25159.5, 25160 and 25162, Health and Safety Code, 40 CFR Code of Federal Regulations Section 263.20.

***Note: (d) changes are for clarification and consistency with subsection (g). The requirement in (f) is dropped for the transporter to submit manifests for waste sent out of state because federal regulations will require submittal by out of state facilities to the generator state, making this requirement redundant.)***

18. Amend section 66263.21 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 2, to read as follows:

**§66263.21. Transporter Compliance with the Manifest.**

(a) The transporter shall deliver the entire quantity of hazardous waste which that transporter has accepted from a generator or a transporter to:

- (1) the designated facility listed on the manifest; or
- (2) the alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or
- (3) the next designated transporter; or
- (4) the place outside the United States designated by the generator.

(b) **For shipments initiated before September 5, 2006,** ~~if~~ if the hazardous waste cannot be delivered in accordance with paragraph (a) of this section, the transporter shall contact the generator for further directions and shall revise the manifest according to the generator's instructions.

**(1) For shipments initiated on and after September 5, 2006, if the hazardous waste cannot be delivered in accordance with paragraph (a) of this section because of an emergency condition other than rejection of the waste by the designated facility, then the transporter shall contact the generator for further directions and shall revise the manifest according to the generator's instructions.**

**(2) If hazardous waste is rejected by the designated facility while the transporter is on the facility's premises, then the transporter shall obtain the following:**

**(A) For a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility's date and signature, and the Manifest Tracking Number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter shall retain a copy of this manifest in accordance with 66263.22, and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter shall obtain a new manifest to accompany the shipment, and the new manifest shall include all of the information required in sections 66264.72 subsections (e)(1)-(6) or (f)(1)-(6) or 66265.72 subsections (e)(1)-(6) or (f)(1)-(6).**

**(B) For a full load rejection that will be taken back by the transporter, a copy of the original manifest that includes the rejecting facility's signature and date attesting to the rejection, the description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and Identification Number for the alternate facility or generator to whom the shipment shall be delivered. The transporter shall retain a copy of the manifest in accordance with section 66263.22, and give a copy of the manifest containing this information to the rejecting designated facility. If the original manifest is not used, then the transporter shall obtain a new manifest from the facility for the shipment and comply with 66264.72 subsections (e)(1)-(6) or 66265.72 subsections (e)(1)-(6).**



~~(c) Whenever hazardous waste is received by a facility from a transporter in a vehicle or bulk container that will be removed from the facility after emptying, the transporter shall determine by inspection whether the vehicle or bulk container is empty pursuant to section 66261.7 prior to the removal of the container from the facility.~~

~~(d) If the vehicle or bulk container cannot be rendered empty pursuant to section 66261.7 by equipment and methods available at the facility, the transporter shall contact the generator pursuant to subsection (b), prior to removing the vehicle or bulk container from the facility.~~

***Note: Federal regulations as modified in 66264.72 impose the requirements of (c) and (d) to the TSDF, making these requirements on the transporter redundant.***

Authority cited: Sections ~~208~~, 25150, 25159, 25159.5, 25160 and 58012, Health and Safety Code.

Reference: Sections 25159, 25159.5, 25160 and 25162, Health and Safety Code; and 40 ~~CFR~~ Code of Federal Regulations Section 263.21.

19. Add a new section 66263.23 of the California Code of Regulations, title 22, division 4.5, chapter 12, article 2, to read as follows:

**§66263.24. Load Rejection and Consolidated Manifesting**

**(a) This section applies to registered transporters operating pursuant to Health and Safety Code section 25160.2 that are authorized by the department to operate as a consolidated transporter.**

**(b) When a consolidated shipment is rejected by an offsite hazardous waste facility, the consolidated transporter may hold that shipment on the transport vehicle at the transporter's facility for no more than 10 days from the date the shipment is rejected, consistent with paragraph (3) of subdivision (b) of section 25123.3 of the Health and Safety Code. The transporter may not commingle the consolidated shipment with any other waste.**

Authority cited: Sections 25150, 25159, 25159.5, 25160 and 58012, Health and Safety Code.

Reference: Sections 25123.3, 25159, 25159.5, 25160, 25160.2, 25160.6(e), and 25162, Health and Safety Code; and 40 CFR Code of Federal Regulations Section 263.21.

***Note: Not required by federal regulations, as the federal government does not provide for consolidation of waste from multiple transporters. This language is to ensure regulatory consistence with state statute in HSC sections 25160.2 and 25160.6(e), which references HSC section 25123.3 (b)(3). Requirement created by AB 1348/2003.***

20. Amend section 66264.70 of the California Code of Regulations, title 22, division 4.5, chapter 14, article 2, to read as follows:

**§66264.12. Required Notices.**

(a)(1) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source shall notify the Department in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. **The notification shall be sent to the Import /Export Coordinator, Dept. Department of Toxic Substances Control, Hazardous Waste Management Program, Statewide Compliance Division, Glendale Branch, 1011 North Grandview Avenue, Glendale, California 91201-2205.** Notice of subsequent shipments of the same waste from the same foreign source is not required.

(2) The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to 40 CFR Part 262, Subpart H or this article shall provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and to the competent authorities of all other concerned countries within three working days of receipt of the shipment. The original of the signed tracking document shall be maintained at the facility for at least three years.

(b) The owner or operator of a facility that receives hazardous waste from an off-site source (except where the owner or operator is also the generator) shall inform the generator in writing that the owner or operator has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The owner or operator shall keep a copy of this written notice as part of the operating record.

(c) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator shall notify the new owner or operator in writing of the requirements of this chapter and chapter 20 of this division. An owner's or operator's failure to notify the new owner or operator of the requirements of this chapter shall not relieve the new owner or operator of the obligation to comply with all applicable requirements.

Authority cited: Sections ~~208~~, 25150 and 25159, Health and Safety Code.

Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 ~~CFR~~ Code of Federal Regulations Section 264.12.

***Note: Section not modified by Federal Manifest Regulations. This is a non-substantive change to correct address for submitting International notices to DTSC's Glendale office.***

21. Amend section 66264.70 of the California Code of Regulations, title 22, division 4.5, chapter 14, article 5, to read as follows:

**§66264.70. Applicability.**

(a) The regulations in this article apply to owners and operators of both on-site and off-site facilities, except as section 66264.1 provides otherwise. Sections 66264.71, 66264.72, and 66264.76 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources.

**(b) Compliance with the revisions to the Manifest form and procedures announced in the regulation published by EPA on March 4, 2005 and by the Department on (insert adoption date of this regulation), shall not be required until on and after September 5, 2006.**

Authority cited: Sections ~~208~~, 25150 and 25159, Health and Safety Code.

Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 ~~CFR~~ Code of Federal Regulations Section 264.70.

***Note: CA is not adopting all the language of 40 CFR 264.73 because CA has not adopted munitions regulations and does not handle permittees who treat, store, or dispose of hazardous wastes on-site where such wastes were generated the way that 40 CFR 264.73(b) does. This language is in existing federal regulations but not state. It would exempt some permittees from recordkeeping.***

***CA did not adopt the phrase “nor to owners and operators of off-site facilities with respect to waste military munitions exempted from manifest requirements under 40 CFR 266.203(a)” because DTSC has not adopted the munitions regulations and this exemption. If DTSC adopts munitions regulations, this language should be added then.***

22. Amend section 66264.71 of the California Code of Regulations, title 22, division 4.5, chapter 14, article 5, to read as follows:

**§66264.71. Use of Manifest System.**

(a)(1) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or the facility's agent, shall: ~~(1) sign and date each copy of the manifest as indicated in paragraph (a)(2) of this section to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.~~

(2) If a facility receives a hazardous waste shipment accompanied by a manifest, including a facility located out of state, the owner, operator or the facility's agent shall:

(A) sign and date, by hand, each copy of the manifest;

(B) ~~(2)~~ note any significant discrepancies (as defined in section 66264.72(a)) in the manifest as defined in section 66264.72(a) on each copy of the manifest;

(C) ~~(3)~~ immediately give the transporter at least one copy of the signed manifest;

(D) ~~(4)~~ within 30 days after the delivery, send a copy of the manifest to the generator;

(E) retain at the facility a copy of each manifest for at least three years from the date of delivery;

(F) ~~(5)~~ within 30 days of each receipt of hazardous waste submit to the Department a legible copy of each manifest used. **The facility manifest copy shall be submitted to the Department for every shipment on a manifest when California is either the generator state or the destination state or if the waste enters or departs from the United States at a site located in California. The facility manifest copy shall be mailed to:**

**DTSC Facility Manifests**  
**P.O. Box 3000**  
**Sacramento, CA 95812-3000**  
**; and**

(G) a facility shall determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally as hazardous wastes under its state hazardous waste program. Facilities shall also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.

~~(6) retain at the facility a copy of each manifest for at least three years from the date of delivery.~~

(b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the Identification Numbers, generator's certification, and signatures), the owner or operator, or the facility's agent, shall:

(1) sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

(2) note any significant discrepancies as defined in section 66264.72(a) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

(3) immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

(4) within 30 days after the delivery, send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator; ~~however, if the manifest has not been received within 30 days after delivery, the owner or operator, or the facility's agent, shall send a copy of the shipping paper signed and dated to the generator;~~

(5) within 30 days of each receipt of hazardous waste submit to the Department a legible copy of each manifest or shipping paper (if the manifest has not been received) used; and

(6) retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

(c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements of chapter 12 of this division.

(d) In addition to submitting a copy of the manifest to the Department, if a facility receives **federally regulated** hazardous waste imported from a foreign source, the receiving facility shall mail a copy of the manifest to the following address within 30 days of delivery: International Compliance Assurance Division, OFA/OECA (2254A), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

~~(e)~~ ~~(d)~~ Within three working days of the receipt of a shipment subject to the requirements of 40 **CFR Code of Federal Regulations** Part 262, Subpart H or this article, the owner or operator of the facility shall provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 1200 Pennsylvania Ave. 404 M-Street SW, Washington, DC 20460, and to competent authorities of all other concerned countries. The original copy of the tracking document shall be maintained at the facility for at least three years from the date of signature.

~~(e) Whenever hazardous waste is received by a facility from a transporter in a vehicle or bulk container that will be removed from the facility after emptying, the transporter shall determine by inspection whether the vehicle or bulk container is empty pursuant to section 66261.7 prior to the removal of the vehicle or bulk container from the facility.~~

~~(f) If a vehicle or bulk container cannot be rendered empty pursuant to section 66261.7 by equipment and methods available at the facility, the transporter shall follow the procedure in subsection (b) of section 66263.21.~~

~~(f)~~<sup>(g)</sup> The provisions of section 66262.34 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of section 66262.34 only apply to owners or operators who are shipping hazardous waste which they generated at that facility.

Authority cited: Sections 25150, 25159, 25159.5 and 58012, Health and Safety Code.

Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; and 40 CFR Code of Federal Regulations Section 264.71.

***Note: (b)(4) is rewritten for consistency with federal language. No legal or policy change. The federal regulations shift responsibility to TSDf for determining whether a container is empty. Retaining transporter requirement in (e) would be in conflict with the new requirements. Bold changes are for clarity only. Address is moved from the California manifest form to the regulation text. This is not a new requirement.***

23. Amend section 66264.72 of the California Code of Regulations, title 22, division 4.5, chapter 14, article 5, to read as follows:

**§66264.72. Manifest Discrepancies.**

(a) Manifest discrepancies are:

(1) Significant differences (as defined by paragraph (b) of this section) between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a facility actually receives.

(2) Rejected wastes, which may be a full or partial shipment of hazardous waste that the TSDF cannot accept; or

(3) Container residues, which are residues that exceed the quantity limits for ``empty'' containers set forth in 40 CFR Code of Federal Regulations part 261.7(b).

(b) Significant discrepancies in quantity are: (1) For bulk waste, variations greater than 10 percent in weight; and (2) for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid or, toxic constituents not reported on the manifest or shipping paper.

(c) Upon discovering a significant discrepancy in quantity or type, the owner or operator shall attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator shall immediately submit to the Department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. **Significant Discrepancy Reports should be mailed to:**

**DTSC Report Repository**  
**Generator Information Services Section**  
**P.O. Box 806**  
**Sacramento, CA 95812-0806**

(d)(1) Upon rejecting waste or identifying a container residue that exceeds the quantity limits for ``empty'' containers set forth in 40 CFR Code of Federal Regulations part 261.7(b) or 66261.7, the facility shall consult with the generator prior to forwarding the waste to another facility that can manage the waste. If it is impossible to locate an alternative facility that can receive the waste, the facility may return the rejected waste or residue to the generator. The facility shall send the waste to the alternative facility or to the generator within **the time frame specified in the permit or 60 days, whichever is shorter, of the rejection or the container residue identification. The waste shall be managed consistent with any applicable permit conditions. The waste shall be handled consistent with the requirements of section 25200.19 of the Health and Safety Code and any other applicable permit conditions.**



(2) While the facility is making arrangements for forwarding rejected wastes or residues to another facility under this section, it shall ensure that either the delivering transporter retains custody of the waste, or, the facility shall provide for secure, temporary custody of the waste, pending delivery of the waste to the first transporter designated on the manifest prepared under paragraph (e) or (f) of this section.

(e) Except as provided in paragraph (e)(7) of this section, for full or partial load rejections and residues that are to be sent off-site to an alternate facility, the facility is required to prepare a new manifest in accordance with **40 Code of Federal Regulations part 262.20(a) and section 66262.20(a) of this division** and the following instructions:

(1) Write the generator's EPA ID number in Item 1 of the new manifest. Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for Item 5.

(2) Write the name of the alternate designated facility and the facility's EPA ID number in the designated facility block (Item 8) of the new manifest.

(3) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.

(4) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a).

(5) Write the U.S. Department of Transportation description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.

(6) Sign the Generator's/Officer's Certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation.

(7) For full load rejections that are made while the transporter remains present at the facility, the facility may forward the rejected shipment to the alternate facility by completing Item 18b of the original manifest and supplying the information on the next destination facility in the Alternate Facility space. The facility shall retain a copy of this manifest for its records, and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility shall use a new manifest and comply with paragraphs (e)(1), (2), (3), (4), (5), and (6) of this section.

(f) Except as provided in paragraph (f)(7) of this section, for rejected wastes and residues that shall be sent back to the generator, the facility is required to prepare a new manifest in accordance with **40 Code of Federal Regulations part 262.20(a) or section 66262.20(a) of this division** and the following instructions:

(1) Write the facility's EPA ID number in Item 1 of the new manifest. Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing

address is different from the generator's site address, then write the generator's site address in the designated space for Item 5.

(2) Write the name of the initial generator and the generator's U.S. EPA ID number in the designated facility block (Item 8) of the new manifest.

(3) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.

(4) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a).

(5) Write the U.S. DOT description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.

(6) Sign the Generator's/Offendor's Certification to certify, as offeror of the shipment, that the waste has been properly packaged, marked and labeled.

(7) For full load rejections that are made while the transporter remains at the facility, the facility may return the shipment to the generator with the original manifest by completing Item 18a and 18b of the manifest and supplying the generator's information in the Alternate Facility space. The facility shall retain a copy for its records and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility shall use a new manifest and comply with paragraphs (f)(1), (2), (3), (4), (5), and (6) of this section.

(g) If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for "empty" containers set forth in 40 **Code of Federal Regulations part 261.7(b) or section 66261.7**, after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility shall amend its copy of the manifest to indicate the rejected wastes or residues in the discrepancy space of the amended manifest. The facility shall also copy the manifest tracking number from Item 4 of the new manifest to the Discrepancy space of the amended manifest, and shall re-sign and date the manifest to certify to the information as amended. The facility shall retain the amended manifest for at least three years from the date of amendment, and shall within 30 days, send a copy of the amended manifest to the transporter and generator that received copies prior to their being amended. **The facility shall submit a copy of the amended manifest within 30 days to the Department at the address provided in section 66264.71, subsection (d).**

(e) (h) Upon discovering a discrepancy involving a hazardous waste of concern, as defined in section 66261.111(a), and the waste at issue represents a reportable quantity or a reportable difference in type, as specified in section 66261.111(b) and (c), the owner or operator shall attempt to reconcile the reportable quantity or difference with the waste generator or transporter. If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, the owner or operator shall immediately notify the Department by calling 1-800-69-TOXIC (1-800-698-6942) and providing the following information:

- (1) Facility name and identification number;
- (2) Generator name and identification number;
- (3) Transporter(s) name(s), identification number(s), and, if available, transporter(s) registration number(s);
- (4) Manifest number;
- (5) Waste information (lines 11, 12, 13, and 14 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of the Appendix to Chapter 12, Article 7), quantity or volume of waste at issue, weight or volume units, and waste codes.

**For shipments initiated on and after September 5, 2006, waste information shall be entered on the manifest in Items 9b, 10, 11, 12, and 13 and container types are found in the manifest instructions in the Appendix to Chapter 12;** and

- (6) Potential locations or transportation routes where the hazardous waste of concern may have become missing (e.g., on highway or roads, rail line, transfer station, truck stop, etc.).

~~(d)~~ (i) If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, in addition to complying with subsection (c), within 5 days after discovering the reportable quantity or difference, the owner or operator shall submit to the Department a letter describing the reportable quantity or difference and attempts to reconcile it, and a copy of the manifest at issue.

(1) Owners or operators of facilities located in the counties of Los Angeles, Ventura, Santa Barbara, San Bernardino, Orange, Riverside, San Diego, or Imperial shall submit the letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Glendale Branch, 1011 North Grandview Avenue, Glendale, California 91201-2205.

(2) Owners or operators of facilities located in any other county, or out of state, shall submit the letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Northern California Branch, 8800 Cal Center Drive, Sacramento, California 95826-3200.

Authority cited: Sections 25150, 25159, 25169.6, 25169.7 and 25169.8, Health and Safety Code.

Reference: Sections 25159, 25159.5, 25160.6, 25169.5, 25169.6 and 25169.7, Health and Safety Code; 40 CFR Code of Federal Regulations Section 264.72.

***Note: (c) Provides clarification, non-substantive addition of an address to an existing report requirement. In (d) (1), add California definition of empty consistent with state regulations. Federal citation is also needed as it is different and it is referenced on the manifest. Other changes declarative of current California law and permitting authority which limit federal 60 days by any conditions in the permit and HSC 25200.19 which limits holding time to 10 days (with conditions, including holding in a vehicle) in staging areas or units not covered by the permit.***

24. Amend section 66264.76 of the California Code of Regulations, title 22, division 4.5, chapter 14, article 5, to read as follows:

**§66264.76. Unmanifested Waste Report.**

(a) If a facility accepts for transfer, treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in section 66263.20(e)(2) of this division, and if the waste is not excluded from the manifest requirement of this chapter, then the owner or operator shall prepare and submit a single copy of a report to the Department within fifteen days after receiving the waste. The unmanifested waste report shall be submitted in the form of a letter to the Department at:

**DTSC Report Repository**  
**Generator Information Services Section**  
**P.O. Box 806**  
**Sacramento, CA 95812-0806**

Such report shall be designated 'Unmanifested Waste Report' and include the following information:

- (1) ~~(a)~~ the Identification Number, name, and address of the facility;
- (2) ~~(b)~~ the date the facility received the waste;
- (3) ~~(c)~~ the Identification Number, name, and address of the generator and the transporter, if available;
- (4) ~~(d)~~ a description and the quantity of each unmanifested hazardous waste the facility received;
- (5) ~~(e)~~ the method of transfer, treatment, storage, or disposal for each hazardous waste;
- (6) ~~(f)~~ the certification signed by the owner or operator of the facility or the facility's authorized representative; and
- (7) ~~(g)~~ a brief explanation of why the waste was unmanifested, if known.

Authority cited: Sections ~~208~~, 25150 and 25159, Health and Safety Code.

Reference: Sections 25159 and 25159.5, Health and Safety Code; and 40 ~~CFR~~ Code of Federal Regulations Section 264.76.

***Note: Specified where the report should be submitted and kept the name "Unmanifested Waste Report" that EPA dropped. CA uses term ID Number, not U.S. EPA ID number so as to include state issued numbers.***

25. Amend section 66264.78 of the California Code of Regulations, title 22, division 4.5, chapter 14, article 5, to read as follows:

**§66264.78. Reporting Hazardous Wastes of Concern Discovered To Be Missing While in Storage.**

(a) The owner or operator of a hazardous waste facility, except a facility operating under a Permit by Rule, Conditional Authorization, or Conditional Exemption, shall comply with reporting requirements set forth in this section, in the event that a hazardous waste of concern, as defined in section 66261.111(a), is discovered to be missing during storage at the facility, and the waste at issue represents a reportable quantity or a reportable difference in type, as specified in section 66261.111(b) and (c).

(b) Upon discovering that a hazardous waste of concern is missing, and the waste at issue represents a reportable quantity or a reportable difference in type, the owner or operator shall immediately attempt to reconcile the reportable quantity or difference (e.g., by reviewing facility records). If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, the owner or operator shall immediately notify the Department by calling 1-800-69-TOXIC (1-800-698-6942) and providing the following information:

- (1) Facility name and identification number;
- (2) Generator name and identification number, if available;
- (3) Transporter name, identification number, and transporter registration number, if available;
- (4) Manifest number, if available;
- (5) Waste information (lines 11, 12, 13, and 14 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of the Appendix to Chapter 12, Article 7), quantity or volume of waste at issue, weight or volume units, and waste codes;

**For shipments initiated on and after September 5, 2006, waste information shall be entered on the manifest in Items 9b, 10, 11, 12, and 13; and**

(6) Potential locations or transportation routes where the hazardous waste of concern may have become missing (e.g., areas at the facility the waste was handled or stored or during transportation to the facility on highway or roads, by rail line, transfer station, truck stop, etc.).

(c) If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, in addition to complying with subsection (b), within 5 days after discovering the reportable quantity or difference, the owner or operator shall submit to the Department a letter describing the reportable quantity or difference and attempts to reconcile it. The owner or operator shall mail the letter to the appropriate address for the county in which the facility is located, as specified in section 66264.72(d).

Authority cited: Sections 25169.6, 25169.7 and 25169.8, Health and Safety Code.

Reference: Sections 25169.5, 25169.6 and 25169.7, Health and Safety Code. 40 Code of Federal Regulations 262 Appendix.

***Note: Changes manifest item numbers to be consistent with the new manifest.  
Section is a California only requirement.***

26. Amend section 66265.12 of the California Code of Regulations, title 22, division 4.5, chapter 15, article 2, to read as follows:

**§66265.12. Required Notices.**

(a)(1) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source shall notify the Department in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. **The notification shall be sent to the Import /Export Coordinator, Dept. Department of Toxic Substances Control, Hazardous Waste Management Program, Statewide Compliance Division, Glendale Branch, 1011 North Grandview Avenue, Glendale, California 91201-2205.** Notice of subsequent shipments of the same waste from the same foreign source is not required.

(2) The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to the requirements of 40 CFR Part 262, Subpart H or this article shall provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460 and to the competent authorities of all other concerned countries within three working days of receipt of the shipment. The original of the signed tracking document shall be maintained at the facility for at least three years.

(b) The owner or operator of a facility that receives hazardous waste from an off-site source (except where the owner or operator is also the generator) shall inform the generator in writing that the owner or operator has the appropriate interim status for, and will accept, the waste the generator is shipping. The owner or operator shall keep a copy of this written notice as part of the operating record.

(c)(1) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator shall notify the new owner or operator in writing of the requirements of this chapter and chapter 20 of this division. (Also see section 66270.72 of this division.)

(2) An owner's or operator's failure to notify the new owner or operator of the requirements of this chapter shall not relieve the new owner or operator of the obligation to comply with all applicable requirements.

Authority cited: Sections 208, 25150 and 25159, Health and Safety Code.

Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 ~~CFR Section~~ Code of Federal Regulations section 265.12.

***Note: Section not modified by Federal Manifest Regulations. This is a non-substantive change to correct address for submitting International notices to DTSC's Glendale office.***

27. Amend section 66265.70 of the California Code of Regulations, title 22, division 4.5, chapter 15, article 5, to read as follows:

**§66265.70. Applicability.**

(a) The regulations in this article apply to owners and operators of both on-site and off-site facilities, except as section 66265.1 provides otherwise. Sections 66265.71, 66265.72, and 66265.76 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources.

(b) Compliance with the revisions to the Manifest form and procedures announced in the regulation published by EPA on March 4, 2005 and these regulations adopted by the Department on (insert adoption date of this regulation), shall not be required until September 5, 2006.

Authority cited: Sections ~~208~~, 25150 and 25159, Health and Safety Code.

Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 ~~CFR~~ Code of Federal Regulations Section 265.70.

***Note: See notes under 66264.70.***



28. Amend section 66265.71 of the California Code of Regulations, title 22, division 4.5, chapter 15, article 5, to read as follows:

**§66265.71. Use of Manifest System.**

(a)(1) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or the facility's agent, shall: ~~(1) sign and date each copy of the manifest as indicated in paragraph (a)(2) of this section to certify that the hazardous waste covered by the manifest was received, that the hazardous waste was received except as noted in the discrepancy space of the manifest, or that the hazardous waste was rejected as noted in the manifest discrepancy space.~~

(2) If a facility receives a hazardous waste shipment accompanied by a manifest, including a facility located out of state, the owner, operator or the facility's agent shall:

(A) sign and date, by hand, each copy of the manifest;

(B) ~~(2)~~ note any significant discrepancies (as defined in section 66264.72(a)) in the manifest as defined in section 66264.72(a) on each copy of the manifest;

(C) ~~(3)~~ immediately give the transporter at least one copy of the signed manifest;

(D) ~~(4)~~ within 30 days after the delivery, send a copy of the manifest to the generator;

(E) retain at the facility a copy of each manifest for at least three years from the date of delivery;

(F) ~~(5)~~ within 30 days of each receipt of hazardous waste submit to the Department a legible copy of each manifest used. **The facility manifest copy shall be submitted to the Department for every shipment on a manifest when California is either the generator state or the destination state or if the waste enters or departs from the United States at a site located in California. The facility manifest copy shall be mailed to:**

**DTSC Facility Manifests**  
**P.O. Box 3000**  
**Sacramento, CA 95812-3000**  
**; and**

(G) a facility shall determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally as hazardous wastes under its state hazardous waste program. Facilities shall also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.

~~(6) retain at the facility a copy of each manifest for at least three years from the date of delivery.~~

(b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the Identification Numbers, generator's certification, and signatures), the owner or operator, or the facility's agent, shall:

(1) sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

(2) note any significant discrepancies as defined in section 66264.72(a) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

(3) immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

(4) within 30 days after the delivery, send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within 30 days after delivery) to the generator; ~~however, if the manifest has not been received within 30 days after delivery, the owner or operator, or the facility's agent, shall send a copy of the shipping paper signed and dated to the generator;~~

(5) within 30 days of each receipt of hazardous waste submit to the Department a legible copy of each manifest or shipping paper (if the manifest has not been received) used; and

(6) retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

(c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements of chapter 12 of this division.

(d) In addition to submitting a copy of the manifest to the Department, if a facility receives **federally regulated** hazardous waste imported from a foreign source, the receiving facility shall mail a copy of the manifest to the following address within 30 days of delivery: International Compliance Assurance Division, OFA/OECA (2254A), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

~~(e)-(d)~~ Within three working days of the receipt of a shipment subject to the requirements of 40 **CFR Code of Federal Regulations** Part 262, Subpart H or this article, the owner or operator of the facility shall provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 1200 Pennsylvania Ave. 404 M-Street SW, Washington, DC 20460, and to competent authorities of all other concerned countries. The original copy of the tracking document shall be maintained at the facility for at least three years from the date of signature.

~~(e) Whenever hazardous waste is received by a facility from a transporter in a vehicle or bulk container that will be removed from the facility after emptying, the transporter shall determine by inspection whether the vehicle or bulk container is empty pursuant to section 66261.7 prior to the removal of the vehicle or bulk container from the facility.~~

~~(f) If a vehicle or bulk container cannot be rendered empty pursuant to section 66261.7 by equipment and methods available at the facility, the transporter shall follow the procedure in subsection (b) of section 66263.21.~~

~~(f)~~<sup>(g)</sup> The provisions of section 66262.34 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of section 66262.34 only apply to owners or operators who are shipping hazardous waste which they generated at that facility.

Authority cited: Sections 25150, 25159, 25159.5 and 58012, Health and Safety Code.

Reference: Sections 25150, 25159 and 25159.5, Health and Safety Code; and 40 CFR Code of Federal Regulations Section 264.71.

***Note: (b)(4) is rewritten for consistency with federal language. No legal or policy change. The federal regulations shift responsibility to TSDf for determining whether a container is empty. Retaining transporter requirement in (e) and (f) would be in conflict with the new requirements.***

***Bold changes are for clarity only. Address is moved from the California manifest form to the regulation text. This is not a new requirement.***

29. Amend section 66265.72 of the California Code of Regulations, title 22, division 4.5, chapter 15, article 5, to read as follows:

**§66265.72. Manifest Discrepancies.**

(a) Manifest discrepancies are:

(1) Significant differences (as defined by paragraph (b) of this section) between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a facility actually receives.

(2) Rejected wastes, which may be a full or partial shipment of hazardous waste that the TSDF cannot accept; or

(3) Container residues, which are residues that exceed the quantity limits for ``empty'' containers set forth in 40 CFR Code of Federal Regulations part 261.7(b).

(b) Significant discrepancies in quantity are: (4) For for bulk waste, variations greater than 10 percent in weight; and (2) for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid or, toxic constituents not reported on the manifest or shipping paper.

(b) (c) Upon discovering a significant discrepancy in quantity or type, the owner or operator shall attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator shall immediately submit to the Department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. **Significant Discrepancy Reports should be mailed to:**

**DTSC Report Repository**  
**Generator Information Services Section**  
**P.O. Box 806**  
**Sacramento, CA 95812-0806**

(d)(1) Upon rejecting waste or identifying a container residue that exceeds the quantity limits for ``empty'' containers set forth in 40 CFR Code of Federal Regulations part 261.7(b) or 66261.7, the facility shall consult with the generator prior to forwarding the waste to another facility that can manage the waste. If it is impossible to locate an alternative facility that can receive the waste, the facility may return the rejected waste or residue to the generator. The facility shall send the waste to the alternative facility or to the generator within **the time frame specified in the permit or 60 days, whichever is shorter, of the rejection or the container residue identification. The waste shall be managed consistent with any applicable permit conditions. The waste shall be handled consistent with the requirements of section 25200.19 of the Health and Safety Code and any other applicable permit conditions.**

(2) While the facility is making arrangements for forwarding rejected wastes or residues to another facility under this section, it shall ensure that either the delivering transporter retains custody of the waste, or, the facility shall provide for secure, temporary custody of the waste, pending delivery of the waste to the first transporter designated on the manifest prepared under paragraph (e) or (f) of this section.

(e) Except as provided in paragraph (e)(7) of this section, for full or partial load rejections and residues that are to be sent off-site to an alternate facility, the facility is required to prepare a new manifest in accordance with **40 Code of Federal Regulations part 262.20(a) and section 66262.20(a) of this division** and the following instructions:

(1) Write the generator's EPA ID number in Item 1 of the new manifest. Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for Item 5.

(2) Write the name of the alternate designated facility and the facility's EPA ID number in the designated facility block (Item 8) of the new manifest.

(3) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.

(4) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a).

(5) Write the U.S. Department of Transportation description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.

(6) Sign the Generator's/Officer's Certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation.

(7) For full load rejections that are made while the transporter remains present at the facility, the facility may forward the rejected shipment to the alternate facility by completing Item 18b of the original manifest and supplying the information on the next destination facility in the Alternate Facility space. The facility shall retain a copy of this manifest for its records, and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility shall use a new manifest and comply with paragraphs (e)(1), (2), (3), (4), (5), and (6) of this section.

(f) Except as provided in paragraph (f)(7) of this section, for rejected wastes and residues that shall be sent back to the generator, the facility is required to prepare a new manifest in accordance with **40 Code of Federal Regulation part 262.20(a) or section 66262.20(a) of this division** and the following instructions:

(1) Write the facility's EPA ID number in Item 1 of the new manifest. Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing

address is different from the generator's site address, then write the generator's site address in the designated space for Item 5.

(2) Write the name of the initial generator and the generator's U.S. EPA ID number in the designated facility block (Item 8) of the new manifest.

(3) Copy the manifest tracking number found in Item 4 of the old manifest to the Special Handling and Additional Information Block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.

(4) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the Discrepancy Block of the old manifest (Item 18a).

(5) Write the U.S. DOT description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.

(6) Sign the Generator's/Offendor's Certification to certify, as offeror of the shipment, that the waste has been properly packaged, marked and labeled.

(7) For full load rejections that are made while the transporter remains at the facility, the facility may return the shipment to the generator with the original manifest by completing Item 18a and 18b of the manifest and supplying the generator's information in the Alternate Facility space. The facility shall retain a copy for its records and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility shall use a new manifest and comply with paragraphs (f)(1), (2), (3), (4), (5), and (6) of this section.

(g) If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for "empty" containers set forth in 40 Code of Federal Regulations **part 261.7(b) or section 66261.7**, after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility shall amend its copy of the manifest to indicate the rejected wastes or residues in the discrepancy space of the amended manifest. The facility shall also copy the manifest tracking number from Item 4 of the new manifest to the Discrepancy space of the amended manifest, and shall re-sign and date the manifest to certify to the information as amended. The facility shall retain the amended manifest for at least three years from the date of amendment, and shall within 30 days, send a copy of the amended manifest to the transporter and generator that received copies prior to their being amended. **The facility shall submit a copy of the amended manifest within 30 days to the Department at the address provided in section 66264.71, subsection (d).**

(e) (h) Upon discovering a discrepancy involving a hazardous waste of concern, as defined in section 66261.111(a), and the waste at issue represents a reportable quantity or a reportable difference in type, as specified in section 66261.111(b) and (c), the owner or operator shall attempt to reconcile the reportable quantity or difference with the waste generator or transporter. If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, the owner or operator shall immediately notify the Department by calling 1-800-69-TOXIC (1-800-698-6942) and providing the following information:

- (1) Facility name and identification number;
- (2) Generator name and identification number;
- (3) Transporter(s) name(s), identification number(s), and, if available, transporter(s) registration number(s);
- (4) Manifest number;
- (5) Waste information (lines 11, 12, 13, and 14 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of the Appendix to Chapter 12, Article 7), quantity or volume of waste at issue, weight or volume units, and waste codes.

**For shipments initiated on and after September 5, 2006, waste information shall be entered on the manifest in Items 9b, 10, 11, 12, and 13 and container types are found in the manifest instructions in the Appendix to Chapter 12;** and

- (6) Potential locations or transportation routes where the hazardous waste of concern may have become missing (e.g., on highway or roads, rail line, transfer station, truck stop, etc.).

~~(d)~~ (i) If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, in addition to complying with subsection (c), within 5 days after discovering the reportable quantity or difference, the owner or operator shall submit to the Department a letter describing the reportable quantity or difference and attempts to reconcile it, and a copy of the manifest at issue.

(1) Owners or operators of facilities located in the counties of Los Angeles, Ventura, Santa Barbara, San Bernardino, Orange, Riverside, San Diego, or Imperial shall submit the letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Glendale Branch, 1011 North Grandview Avenue, Glendale, California 91201-2205.

(2) Owners or operators of facilities located in any other county, or out of state, shall submit the letter to the Complaint Coordinator, Department of Toxic Substances Control, Statewide Compliance Division, Northern California Branch, 8800 Cal Center Drive, Sacramento, California 95826-3200.

Authority cited: Sections 25150, 25159, 25169.6, 25169.7 and 25169.8, Health and Safety Code.

Reference: Sections 25159, 25159.5, 25160.6, 25169.5, 25169.6 and 25169.7, Health and Safety Code; 40 CFR Code of Federal Regulations Section 264.72.

***Note: ((c) Provides clarification, non-substantive addition of an address to an existing report requirement. In (d)(1), add California definition of empty consistent with state regulations. Federal citation is also needed as it is different and it is referenced on the manifest. Other changes declarative of current California law and permitting authority which limit federal 60 days by any conditions in the permit and HSC section 25200.19 which limits holding time to 10 days (with conditions, including holding in a vehicle) in staging areas or units not covered by the permit.)***

30. Amend section 66265.76 of the California Code of Regulations, title 22, division 4.5, chapter 15, article 5, to read as follows:

**66265.76. Unmanifested Waste Report.**

(a) If a facility accepts for transfer, treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in section 66263.20(e)(2) of this division, and if the waste is not excluded from the manifest requirement of this chapter, then the owner or operator shall prepare and submit a single copy of a report to the Department within fifteen days after receiving the waste. The unmanifested waste report shall be submitted in the form of a letter to the Department at:

**DTSC Report Repository**

**Generator Information Services Section**

**P.O. Box 806**

**Sacramento, CA 95812-0806**

Such report shall be designated 'Unmanifested Waste Report' and include the following information:

- (1) ~~(a)~~ the Identification Number, name, and address of the facility;
- (2) ~~(b)~~ the date the facility received the waste;
- (3) ~~(c)~~ the Identification Number, name, and address of the generator and the transporter, if available;
- (4) ~~(d)~~ a description and the quantity of each unmanifested hazardous waste the facility received;
- (5) ~~(e)~~ the method of transfer, treatment, storage, or disposal for each hazardous waste;
- (6) ~~(f)~~ the certification signed by the owner or operator of the facility or the facility's authorized representative; and
- (7) ~~(g)~~ a brief explanation of why the waste was unmanifested, if known.

Authority cited: Sections ~~208~~, 25150 and 25159, Health and Safety Code.

Reference: Sections 25159 and 25159.5, Health and Safety Code; 40 ~~CFR~~ Code of Federal Regulations ~~Section~~ section 265.76.



31. Amend section 66264.78 of the California Code of Regulations, title 22, division 4.5, chapter 15, article 5, to read as follows:

**§66265.78. Reporting Hazardous Wastes of Concern Discovered To Be Missing While in Storage.**

(a) The owner or operator of a hazardous waste facility, except a facility operating under a Permit by Rule, Conditional Authorization, or Conditional Exemption, shall comply with reporting requirements set forth in this section, in the event that a hazardous waste of concern, as defined in section 66261.111(a), is discovered to be missing during storage at the facility, and the waste at issue represents a reportable quantity or a reportable difference in type, as specified in section 66261.111(b) and (c).

(b) Upon discovering that a hazardous waste of concern is missing, and the waste at issue represents a reportable quantity or a reportable difference in type, the owner or operator shall immediately attempt to reconcile the reportable quantity or difference (e.g., by reviewing facility records). If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, the owner or operator shall immediately notify the Department by calling 1-800-69-TOXIC (1-800-698-6942) and providing the following information:

- (1) Facility name and identification number;
- (2) Generator name and identification number, if available;
- (3) Transporter name, identification number, and transporter registration number, if available;
- (4) Manifest number, if available;
- (5) Waste information (lines 11, 12, 13, and 14 of the manifest), including proper shipping name, hazard class or division, identification number, packing group, number of containers, container type (as listed in Table I of the Appendix to Chapter 12, Article 7), quantity or volume of waste at issue, weight or volume units, and waste codes.

**For shipments initiated on and after September 5, 2006, waste information shall be entered on the manifest in Items 9b, 10, 11, 12, and 13; and**

(6) Potential locations or transportation routes where the hazardous waste of concern may have become missing (e.g., areas at the facility the waste was handled or stored or during transportation to the facility on highway or roads, by rail line, transfer station, truck stop, etc.).

(c) If the reportable quantity or difference is not reconciled within 24 hours after it was discovered, in addition to complying with subsection (b), within 5 days after discovering the reportable quantity or difference, the owner or operator shall submit to the Department a letter describing the reportable quantity or difference and attempts to reconcile it. The owner or operator shall mail the letter to the appropriate address for the county in which the facility is located, as specified in section 66265.72(d).